

No. 19-1152

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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FRIENDS OF BUCKINGHAM; CHESAPEAKE BAY FOUNDATION, INC.,  
*Petitioners,*

v.

STATE AIR POLLUTION CONTROL BOARD; RICHARD D. LANGFORD,  
Chair of the State Air Pollution Control Board; VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL QUALITY; DAVID K. PAYLOR, Director, Virginia  
Department of Environmental Quality,  
*Respondents,*  
and

ATLANTIC COAST PIPELINE, LLC,  
*Intervenor.*

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On Petition for Review of Approval and Issuance of Stationary Source Permit  
No.21599 by the State Air Pollution Control Board and the Virginia Department of  
Environmental Quality

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**ADDENDUM TO PETITIONERS' OPENING BRIEF**

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Proposed Legislation

**United States Code Annotated**

**Title 5. Government Organization and Employees (Refs & Annos)**

**Part I. The Agencies Generally**

**Chapter 7. Judicial Review (Refs & Annos)**

**5 U.S.C.A. § 701**

**§ 701. Application; definitions**

**Effective: January 4, 2011**

**Currentness**

**(a) This chapter applies, according to the provisions thereof, except to the extent that--**

**(1) statutes preclude judicial review; or**

**(2) agency action is committed to agency discretion by law.**

**(b) For the purpose of this chapter--**

**(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include--**

**(A) the Congress;**

**(B) the courts of the United States;**

**(C) the governments of the territories or possessions of the United States;**

**(D) the government of the District of Columbia;**

**(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;**

**(F) courts martial and military commissions;**

**(G) military authority exercised in the field in time of war or in occupied territory; or**

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix;<sup>1</sup> and

(2) “person”, “rule”, “order”, “license”, “sanction”, “relief”, and “agency action” have the meanings given them by section 551 of this title.

#### CREDIT(S)

(Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 392; Pub.L. 103-272, § 5(a), July 5, 1994, 108 Stat. 1373; Pub.L. 111-350, § 5(a) (3), Jan. 4, 2011, 124 Stat. 3841.)

#### Notes of Decisions (856)

##### Footnotes

<sup>1</sup> See References in Text note set out under this section.

5 U.S.C.A. § 701, 5 USCA § 701

Current through P.L. 115-140.

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Proposed Legislation

**United States Code Annotated**

**Title 5. Government Organization and Employees (Refs & Annos)**

**Part I. The Agencies Generally**

**Chapter 7. Judicial Review (Refs & Annos)**

5 U.S.C.A. § 704

§ 704. Actions reviewable

**Currentness**

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

**CREDIT(S)**

(Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 392.)

**Notes of Decisions (939)**

5 U.S.C.A. § 704, 5 USCA § 704

Current through P.L. 115-140.

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Unconstitutional or PreemptedLimitation Recognized by [Krafsur v. Davenport](#), 6th Cir.(Tenn.), Dec. 04, 2013

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**United States Code Annotated**

**Title 5. Government Organization and Employees (Refs & Annos)**

**Part I. The Agencies Generally**

**Chapter 7. Judicial Review (Refs & Annos)**

**5 U.S.C.A. § 706**

**§ 706. Scope of review**

**Currentness**

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall--

(1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be--

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to [sections 556](#) and [557](#) of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

**CREDIT(S)**

([Pub.L. 89-554](#), Sept. 6, 1966, 80 Stat. 393.)

[Notes of Decisions \(3906\)](#)

5 U.S.C.A. § 706, 5 USCA § 706  
Current through P.L. 115-140.

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Unconstitutional or Preempted Validity Called into Doubt by [Transwestern Pipeline Co. v. 17.19 Acres of Property Located in Maricopa County, 9th Cir.\(Ariz.\), Dec. 11, 2008](#)

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**United States Code Annotated**

**Title 15. Commerce and Trade**

**Chapter 15B. Natural Gas (Refs & Annos)**

**15 U.S.C.A. § 717f**

**§ 717f. Construction, extension, or abandonment of facilities**

**Currentness**

**(a) Extension or improvement of facilities on order of court; notice and hearing**

Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural-gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural-gas company, if the Commission finds that no undue burden will be placed upon such natural-gas company thereby: *Provided*, That the Commission shall have no authority to compel the enlargement of transportation facilities for such purposes, or to compel such natural-gas company to establish physical connection or sell natural gas when to do so would impair its ability to render adequate service to its customers.

**(b) Abandonment of facilities or services; approval of Commission**

No natural-gas company shall abandon all or any portion of its facilities subject to the jurisdiction of the Commission, or any service rendered by means of such facilities, without the permission and approval of the Commission first had and obtained, after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment.

**(c) Certificate of public convenience and necessity**

**(1)(A)** No natural-gas company or person which will be a natural-gas company upon completion of any proposed construction or extension shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities or extensions thereof, unless there is in force with respect to such natural-gas company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations: *Provided, however*, That if any such natural-gas company or predecessor in interest was bona fide engaged in transportation or sale of natural gas, subject to the jurisdiction of the Commission, on February 7, 1942, over the route or routes or within the area for which application is made and has so operated since that time, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application

for such certificate is made to the Commission within ninety days after February 7, 1942. Pending the determination of any such application, the continuance of such operation shall be lawful.

**(B)** In all other cases the Commission shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under rules and regulations to be prescribed by the Commission; and the application shall be decided in accordance with the procedure provided in subsection (e) of this section and such certificate shall be issued or denied accordingly: *Provided, however,* That the Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest.

**(2)** The Commission may issue a certificate of public convenience and necessity to a natural-gas company for the transportation in interstate commerce of natural gas used by any person for one or more high-priority uses, as defined, by rule, by the Commission, in the case of--

**(A)** natural gas sold by the producer to such person; and

**(B)** natural gas produced by such person.

**(d) Application for certificate of public convenience and necessity**

Application for certificates shall be made in writing to the Commission, be verified under oath, and shall be in such form, contain such information, and notice thereof shall be served upon such interested parties and in such manner as the Commission shall, by regulation, require.

**(e) Granting of certificate of public convenience and necessity**

Except in the cases governed by the provisos contained in subsection (c) (1) of this section, a certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation, sale, service, construction, extension, or acquisition covered by the application, if it is found that the applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, sale, operation, construction, extension, or acquisition, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied. The Commission shall have the power to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require.

**(f) Determination of service area; jurisdiction of transportation to ultimate consumers**

**(1)** The Commission, after a hearing had upon its own motion or upon application, may determine the service area to which each authorization under this section is to be limited. Within such service area as determined by the Commission

a natural-gas company may enlarge or extend its facilities for the purpose of supplying increased market demands in such service area without further authorization; and

(2) If the Commission has determined a service area pursuant to this subsection, transportation to ultimate consumers in such service area by the holder of such service area determination, even if across State lines, shall be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed. This section shall not apply to the transportation of natural gas to another natural gas company.

**(g) Certificate of public convenience and necessity for service of area already being served**

Nothing contained in this section shall be construed as a limitation upon the power of the Commission to grant certificates of public convenience and necessity for service of an area already being served by another natural-gas company.

**(h) Right of eminent domain for construction of pipelines, etc.**

When any holder of a certificate of public convenience and necessity cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas, and the necessary land or other property, in addition to right-of-way, for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipe line or pipe lines, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: *Provided*, That the United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds \$3,000.

**CREDIT(S)**

(June 21, 1938, c. 556, § 7, 52 Stat. 824; Feb. 7, 1942, c. 49, 56 Stat. 83; July 25, 1947, c. 333, 61 Stat. 459; [Pub.L. 95-617, Title VI, § 608](#), Nov. 9, 1978, 92 Stat. 3173; [Pub.L. 100-474](#), § 2, Oct. 6, 1988, 102 Stat. 2302.)

[Notes of Decisions \(802\)](#)

15 U.S.C.A. § 717f, 15 USCA § 717f  
Current through P.L. 115-140.

United States Code Annotated

Title 15. Commerce and Trade

Chapter 15B. Natural Gas (Refs & Annos)

15 U.S.C.A. § 717r

§ 717r. Rehearing and review

Effective: August 8, 2005

Currentness

**(a) Application for rehearing; time**

Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this chapter to which such person, State, municipality, or State commission is a party may apply for a rehearing within thirty days after the issuance of such order. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing. Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied. No proceeding to review any order of the Commission shall be brought by any person unless such person shall have made application to the Commission for a rehearing thereon. Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.

**(b) Review of Commission order**

Any party to a proceeding under this chapter aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the court of appeals of the United States for any circuit wherein the natural-gas company to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of Title 28. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which is supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting

aside, in whole or in part, any such order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in [section 1254 of Title 28](#).

**(c) Stay of Commission order**

The filing of an application for rehearing under subsection (a) shall not, unless specifically ordered by the Commission, operate as a stay of the Commission's order. The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

**(d) Judicial review**

**(1) In general**

The United States Court of Appeals for the circuit in which a facility subject to [section 717b](#) of this title or [section 717f](#) of this title is proposed to be constructed, expanded, or operated shall have original and exclusive jurisdiction over any civil action for the review of an order or action of a Federal agency (other than the Commission) or State administrative agency acting pursuant to Federal law to issue, condition, or deny any permit, license, concurrence, or approval (hereinafter collectively referred to as "permit") required under Federal law, other than the Coastal Zone Management Act of 1972 ([16 U.S.C. 1451 et seq.](#)).

**(2) Agency delay**

The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of an alleged failure to act by a Federal agency (other than the Commission) or State administrative agency acting pursuant to Federal law to issue, condition, or deny any permit required under Federal law, other than the Coastal Zone Management Act of 1972 ([16 U.S.C. 1451 et seq.](#)), for a facility subject to [section 717b](#) of this title or [section 717f](#) of this title. The failure of an agency to take action on a permit required under Federal law, other than the Coastal Zone Management Act of 1972, in accordance with the Commission schedule established pursuant to [section 717n\(c\)](#) of this title shall be considered inconsistent with Federal law for the purposes of paragraph (3).

**(3) Court action**

If the Court finds that such order or action is inconsistent with the Federal law governing such permit and would prevent the construction, expansion, or operation of the facility subject to [section 717b](#) of this title or [section 717f](#) of this title, the Court shall remand the proceeding to the agency to take appropriate action consistent with the order of the Court. If the Court remands the order or action to the Federal or State agency, the Court shall set a reasonable schedule and deadline for the agency to act on remand.

**(4) Commission action**

For any action described in this subsection, the Commission shall file with the Court the consolidated record of such order or action to which the appeal hereunder relates.

**(5) Expedited review**

The Court shall set any action brought under this subsection for expedited consideration.

**CREDIT(S)**

(June 21, 1938, c. 556, § 19, 52 Stat. 831; June 25, 1948, c. 646, § 32(a), 62 Stat. 991; May 24, 1949, c. 139, § 127, 63 Stat. 107; [Pub.L. 85-791](#), § 19, Aug. 28, 1958, 72 Stat. 947; [Pub.L. 109-58](#), Title III, § 313(b), Aug. 8, 2005, 119 Stat. 689.)

**Notes of Decisions (767)**

15 U.S.C.A. § 717r, 15 USCA § 717r  
Current through P.L. 115-140.

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**United States Code Annotated**

**Title 42. The Public Health and Welfare**

**Chapter 85. Air Pollution Prevention and Control (Refs & Annos)**

**Subchapter I. Programs and Activities**

**Part A. Air Quality and Emissions Limitations (Refs & Annos)**

42 U.S.C.A. § 7410

§ 7410. State implementation plans for national primary and secondary ambient air quality standards

**Currentness**

**(a) Adoption of plan by State; submission to Administrator; content of plan; revision; new sources; indirect source review program; supplemental or intermittent control systems**

**(1)** Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 7409 of this title for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

**(2)** Each implementation plan submitted by a State under this chapter shall be adopted by the State after reasonable notice and public hearing. Each such plan shall--

**(A)** include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter;

**(B)** provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to--

**(i)** monitor, compile, and analyze data on ambient air quality, and

**(ii)** upon request, make such data available to the Administrator;

(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter;

(D) contain adequate provisions--

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility,

(ii) insuring compliance with the applicable requirements of sections 7426 and 7415 of this title (relating to interstate and international pollution abatement);

(E) provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 7428 of this title, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;

(F) require, as may be prescribed by the Administrator--

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

(iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection;

(G) provide for authority comparable to that in section 7603 of this title and adequate contingency plans to implement such authority;

(H) provide for revision of such plan--

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter;

(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas);

(J) meet the applicable requirements of section 7421 of this title (relating to consultation), section 7427 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection);

(K) provide for--

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;

(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover--

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter; and

(M) provide for consultation and participation by local political subdivisions affected by the plan.

(3)(A) Repealed. Pub.L. 101-549, Title I, § 101(d)(1), Nov. 15, 1990, 104 Stat. 2409

**(B)** As soon as practicable, the Administrator shall, consistent with the purposes of this chapter and the Energy Supply and Environmental Coordination Act of 1974 [15 U.S.C.A. § 791 et seq.], review each State's applicable implementation plans and report to the State on whether such plans can be revised in relation to fuel burning stationary sources (or persons supplying fuel to such sources) without interfering with the attainment and maintenance of any national ambient air quality standard within the period permitted in this section. If the Administrator determines that any such plan can be revised, he shall notify the State that a plan revision may be submitted by the State. Any plan revision which is submitted by the State shall, after public notice and opportunity for public hearing, be approved by the Administrator if the revision relates only to fuel burning stationary sources (or persons supplying fuel to such sources), and the plan as revised complies with paragraph (2) of this subsection. The Administrator shall approve or disapprove any revision no later than three months after its submission.

**(C)** Neither the State, in the case of a plan (or portion thereof) approved under this subsection, nor the Administrator, in the case of a plan (or portion thereof) promulgated under subsection (c) of this section, shall be required to revise an applicable implementation plan because one or more exemptions under section 7418 of this title (relating to Federal facilities), enforcement orders under section 7413(d) of this title, suspensions under subsection (f) or (g) of this section (relating to temporary energy or economic authority), orders under section 7419 of this title (relating to primary nonferrous smelters), or extensions of compliance in decrees entered under section 7413(e) of this title (relating to iron- and steel-producing operations) have been granted, if such plan would have met the requirements of this section if no such exemptions, orders, or extensions had been granted.

**(4)** Repealed. [Pub.L. 101-549, Title I, § 101\(d\)\(2\)](#), Nov. 15, 1990, 104 Stat. 2409

**(5)(A)(i)** Any State may include in a State implementation plan, but the Administrator may not require as a condition of approval of such plan under this section, any indirect source review program. The Administrator may approve and enforce, as part of an applicable implementation plan, an indirect source review program which the State chooses to adopt and submit as part of its plan.

**(ii)** Except as provided in subparagraph (B), no plan promulgated by the Administrator shall include any indirect source review program for any air quality control region, or portion thereof.

**(iii)** Any State may revise an applicable implementation plan approved under this subsection to suspend or revoke any such program included in such plan, provided that such plan meets the requirements of this section.

**(B)** The Administrator shall have the authority to promulgate, implement and enforce regulations under subsection (c) of this section respecting indirect source review programs which apply only to federally assisted highways, airports, and other major federally assisted indirect sources and federally owned or operated indirect sources.

**(C)** For purposes of this paragraph, the term "indirect source" means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply (within the meaning of subsection (c)(2)(D)(ii) of this section), including regulation of existing off-street parking but such term does not include new or existing on-street parking. Direct emissions sources or facilities at, within, or associated with, any indirect source shall not be deemed indirect sources for the purpose of this paragraph.

**(D)** For purposes of this paragraph the term “indirect source review program” means the facility-by-facility review of indirect sources of air pollution, including such measures as are necessary to assure, or assist in assuring, that a new or modified indirect source will not attract mobile sources of air pollution, the emissions from which would cause or contribute to air pollution concentrations--

(i) exceeding any national primary ambient air quality standard for a mobile source-related air pollutant after the primary standard attainment date, or

(ii) preventing maintenance of any such standard after such date.

**(E)** For purposes of this paragraph and paragraph (2)(B), the term “transportation control measure” does not include any measure which is an “indirect source review program”.

**(6)** No State plan shall be treated as meeting the requirements of this section unless such plan provides that in the case of any source which uses a supplemental, or intermittent control system for purposes of meeting the requirements of an order under [section 7413\(d\)](#) of this title or [section 7419](#) of this title (relating to primary nonferrous smelter orders), the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

**(b) Extension of period for submission of plans**

The Administrator may, wherever he determines necessary, extend the period for submission of any plan or portion thereof which implements a national secondary ambient air quality standard for a period not to exceed 18 months from the date otherwise required for submission of such plan.

**(c) Preparation and publication by Administrator of proposed regulations setting forth implementation plan; transportation regulations study and report; parking surcharge; suspension authority; plan implementation**

**(1)** The Administrator shall promulgate a Federal implementation plan at any time within 2 years after the Administrator--

(A) finds that a State has failed to make a required submission or finds that the plan or plan revision submitted by the State does not satisfy the minimum criteria established under subsection (k)(1)(A) of this section, or

(B) disapproves a State implementation plan submission in whole or in part,

unless the State corrects the deficiency, and the Administrator approves the plan or plan revision, before the Administrator promulgates such Federal implementation plan.

**(2)(A)** Repealed. [Pub.L. 101-549](#), Title I, § 101(d)(3)(A), Nov. 15, 1990, 104 Stat. 2409

**(B)** No parking surcharge regulation may be required by the Administrator under paragraph (1) of this subsection as a part of an applicable implementation plan. All parking surcharge regulations previously required by the Administrator shall be void upon June 22, 1974. This subparagraph shall not prevent the Administrator from approving parking surcharges if they are adopted and submitted by a State as part of an applicable implementation plan. The Administrator may not condition approval of any implementation plan submitted by a State on such plan's including a parking surcharge regulation.

**(C)** Repealed. [Pub.L. 101-549, Title I, § 101\(d\)\(3\)\(B\)](#), Nov. 15, 1990, 104 Stat. 2409

**(D)** For purposes of this paragraph--

**(i)** The term "parking surcharge regulation" means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles.

**(ii)** The term "management of parking supply" shall include any requirement providing that any new facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

**(iii)** The term "preferential bus/carpool lane" shall include any requirement for the setting aside of one or more lanes of a street or highway on a permanent or temporary basis for the exclusive use of buses or carpools, or both.

**(E)** No standard, plan, or requirement, relating to management of parking supply or preferential bus/carpool lanes shall be promulgated after June 22, 1974, by the Administrator pursuant to this section, unless such promulgation has been subjected to at least one public hearing which has been held in the area affected and for which reasonable notice has been given in such area. If substantial changes are made following public hearings, one or more additional hearings shall be held in such area after such notice.

**(3)** Upon application of the chief executive officer of any general purpose unit of local government, if the Administrator determines that such unit has adequate authority under State or local law, the Administrator may delegate to such unit the authority to implement and enforce within the jurisdiction of such unit any part of a plan promulgated under this subsection. Nothing in this paragraph shall prevent the Administrator from implementing or enforcing any applicable provision of a plan promulgated under this subsection.

**(4)** Repealed. [Pub.L. 101-549, Title I, § 101\(d\)\(3\)\(C\)](#), Nov. 15, 1990, 104 Stat. 2409

**(5)(A)** Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with subparagraph (B).

**(B)** In the case of any applicable implementation plan with respect to which a measure has been eliminated under subparagraph (A), such plan shall, not later than one year after August 7, 1977, be revised to include comprehensive measures to:

**(i)** establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable; and

**(ii)** implement transportation control measures necessary to attain and maintain national ambient air quality standards,

and such revised plan shall, for the purpose of implementing such comprehensive public transportation measures, include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combination of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds. Such measures shall, as a substitute for the tolls or charges eliminated under subparagraph (A), provide for emissions reductions equivalent to the reductions which may reasonably be expected to be achieved through the use of the tolls or charges eliminated.

**(C)** Any revision of an implementation plan for purposes of meeting the requirements of subparagraph (B) shall be submitted in coordination with any plan revision required under part D of this subchapter.

**(d), (e) Repealed. Pub.L. 101-549, Title I, § 101(d)(4), (5), Nov. 15, 1990, 104 Stat. 2409**

**(f) National or regional energy emergencies; determination by President**

**(1)** Upon application by the owner or operator of a fuel burning stationary source, and after notice and opportunity for public hearing, the Governor of the State in which such source is located may petition the President to determine that a national or regional energy emergency exists of such severity that--

**(A)** a temporary suspension of any part of the applicable implementation plan or of any requirement under [section 7651j](#) of this title (concerning excess emissions penalties or offsets) may be necessary, and

**(B)** other means of responding to the energy emergency may be inadequate.

Such determination shall not be delegable by the President to any other person. If the President determines that a national or regional energy emergency of such severity exists, a temporary emergency suspension of any part of an applicable implementation plan or of any requirement under [section 7651j](#) of this title (concerning excess emissions penalties or offsets) adopted by the State may be issued by the Governor of any State covered by the President's determination under the condition specified in paragraph (2) and may take effect immediately.

**(2)** A temporary emergency suspension under this subsection shall be issued to a source only if the Governor of such State finds that--

(A) there exists in the vicinity of such source a temporary energy emergency involving high levels of unemployment or loss of necessary energy supplies for residential dwellings; and

(B) such unemployment or loss can be totally or partially alleviated by such emergency suspension.

Not more than one such suspension may be issued for any source on the basis of the same set of circumstances or on the basis of the same emergency.

(3) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator, if any. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of paragraph (2).

(4) This subsection shall not apply in the case of a plan provision or requirement promulgated by the Administrator under subsection (c) of this section, but in any such case the President may grant a temporary emergency suspension for a four month period of any such provision or requirement if he makes the determinations and findings specified in paragraphs (1) and (2).

(5) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under [section 1857c-10](#) of this title, as in effect before August 7, 1977, or [section 7413\(d\)](#) of this title, upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.

**(g) Governor's authority to issue temporary emergency suspensions**

(1) In the case of any State which has adopted and submitted to the Administrator a proposed plan revision which the State determines--

(A) meets the requirements of this section, and

(B) is necessary (i) to prevent the closing for one year or more of any source of air pollution, and (ii) to prevent substantial increases in unemployment which would result from such closing, and

which the Administrator has not approved or disapproved under this section within 12 months of submission of the proposed plan revision, the Governor may issue a temporary emergency suspension of the part of the applicable implementation plan for such State which is proposed to be revised with respect to such source. The determination under subparagraph (B) may not be made with respect to a source which would close without regard to whether or not the proposed plan revision is approved.

(2) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of this subsection.

(3) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under section 1857c-10 of this title as in effect before August 7, 1977, or under section 7413(d) of this title upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.

**(h) Publication of comprehensive document for each State setting forth requirements of applicable implementation plan**

(1) Not later than 5 years after November 15, 1990, and every 3 years thereafter, the Administrator shall assemble and publish a comprehensive document for each State setting forth all requirements of the applicable implementation plan for such State and shall publish notice in the Federal Register of the availability of such documents.

(2) The Administrator may promulgate such regulations as may be reasonably necessary to carry out the purpose of this subsection.

**(i) Modification of requirements prohibited**

Except for a primary nonferrous smelter order under section 7419 of this title, a suspension under subsection (f) or (g) of this section (relating to emergency suspensions), an exemption under section 7418 of this title (relating to certain Federal facilities), an order under section 7413(d) of this title (relating to compliance orders), a plan promulgation under subsection (c) of this section, or a plan revision under subsection (a)(3) of this section, no order, suspension, plan revision, or other action modifying any requirement of an applicable implementation plan may be taken with respect to any stationary source by the State or by the Administrator.

**(j) Technological systems of continuous emission reduction on new or modified stationary sources; compliance with performance standards**

As a condition for issuance of any permit required under this subchapter, the owner or operator of each new or modified stationary source which is required to obtain such a permit must show to the satisfaction of the permitting authority that the technological system of continuous emission reduction which is to be used at such source will enable it to comply with the standards of performance which are to apply to such source and that the construction or modification and operation of such source will be in compliance with all other requirements of this chapter.

**(k) Environmental Protection Agency action on plan submissions**

**(1) Completeness of plan submissions**

**(A) Completeness criteria**

Within 9 months after November 15, 1990, the Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection. The

criteria shall be limited to the information necessary to enable the Administrator to determine whether the plan submission complies with the provisions of this chapter.

**(B) Completeness finding**

Within 60 days of the Administrator's receipt of a plan or plan revision, but no later than 6 months after the date, if any, by which a State is required to submit the plan or revision, the Administrator shall determine whether the minimum criteria established pursuant to subparagraph (A) have been met. Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date 6 months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria.

**(C) Effect of finding of incompleteness**

Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

**(2) Deadline for action**

Within 12 months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), if applicable (or, if those criteria are not applicable, within 12 months of submission of the plan or revision), the Administrator shall act on the submission in accordance with paragraph (3).

**(3) Full and partial approval and disapproval**

In the case of any submittal on which the Administrator is required to act under paragraph (2), the Administrator shall approve such submittal as a whole if it meets all of the applicable requirements of this chapter. If a portion of the plan revision meets all the applicable requirements of this chapter, the Administrator may approve the plan revision in part and disapprove the plan revision in part. The plan revision shall not be treated as meeting the requirements of this chapter until the Administrator approves the entire plan revision as complying with the applicable requirements of this chapter.

**(4) Conditional approval**

The Administrator may approve a plan revision based on a commitment of the State to adopt specific enforceable measures by a date certain, but not later than 1 year after the date of approval of the plan revision. Any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

**(5) Calls for plan revisions**

Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, to mitigate adequately the interstate pollutant

transport described in [section 7506a](#) of this title or [section 7511c](#) of this title, or to otherwise comply with any requirement of this chapter, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this chapter to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date prescribed under part D of this subchapter, unless such date has elapsed).

#### **(6) Corrections**

Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.

#### **(l) Plan revisions**

Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in [section 7501](#) of this title), or any other applicable requirement of this chapter.

#### **(m) Sanctions**

The Administrator may apply any of the sanctions listed in [section 7509\(b\)](#) of this title at any time (or at any time after) the Administrator makes a finding, disapproval, or determination under paragraphs (1) through (4), respectively, of [section 7509\(a\)](#) of this title in relation to any plan or plan item (as that term is defined by the Administrator) required under this chapter, with respect to any portion of the State the Administrator determines reasonable and appropriate, for the purpose of ensuring that the requirements of this chapter relating to such plan or plan item are met. The Administrator shall, by rule, establish criteria for exercising his authority under the previous sentence with respect to any deficiency referred to in [section 7509\(a\)](#) of this title to ensure that, during the 24-month period following the finding, disapproval, or determination referred to in [section 7509\(a\)](#) of this title, such sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency.

#### **(n) Savings clauses**

##### **(1) Existing plan provisions**

Any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to this section as in effect before November 15, 1990, shall remain in effect as part of such applicable implementation plan, except to the extent that a revision to such provision is approved or promulgated by the Administrator pursuant to this chapter.

**(2) Attainment dates**

For any area not designated nonattainment, any plan or plan revision submitted or required to be submitted by a State--

(A) in response to the promulgation or revision of a national primary ambient air quality standard in effect on November 15, 1990, or

(B) in response to a finding of substantial inadequacy under subsection (a)(2) of this section (as in effect immediately before November 15, 1990),

shall provide for attainment of the national primary ambient air quality standards within 3 years of November 15, 1990, or within 5 years of issuance of such finding of substantial inadequacy, whichever is later.

**(3) Retention of construction moratorium in certain areas**

In the case of an area to which, immediately before November 15, 1990, the prohibition on construction or modification of major stationary sources prescribed in subsection (a)(2)(I) of this section (as in effect immediately before November 15, 1990) applied by virtue of a finding of the Administrator that the State containing such area had not submitted an implementation plan meeting the requirements of [section 7502\(b\)\(6\)](#) of this title (relating to establishment of a permit program) (as in effect immediately before November 15, 1990) or 7502(a)(1) of this title (to the extent such requirements relate to provision for attainment of the primary national ambient air quality standard for sulfur oxides by December 31, 1982) as in effect immediately before November 15, 1990, no major stationary source of the relevant air pollutant or pollutants shall be constructed or modified in such area until the Administrator finds that the plan for such area meets the applicable requirements of [section 7502\(c\)\(5\)](#) of this title (relating to permit programs) or subpart 5 of part D of this subchapter (relating to attainment of the primary national ambient air quality standard for sulfur dioxide), respectively.

**(o) Indian tribes**

If an Indian tribe submits an implementation plan to the Administrator pursuant to [section 7601\(d\)](#) of this title, the plan shall be reviewed in accordance with the provisions for review set forth in this section for State plans, except as otherwise provided by regulation promulgated pursuant to [section 7601\(d\)\(2\)](#) of this title. When such plan becomes effective in accordance with the regulations promulgated under [section 7601\(d\)](#) of this title, the plan shall become applicable to all areas (except as expressly provided otherwise in the plan) located within the exterior boundaries of the reservation, notwithstanding the issuance of any patent and including rights-of-way running through the reservation.

**(p) Reports**

Any State shall submit, according to such schedule as the Administrator may prescribe, such reports as the Administrator may require relating to emission reductions, vehicle miles traveled, congestion levels, and any other information the Administrator may deem necessary to assess the development<sup>1</sup> effectiveness, need for revision, or implementation of any plan or plan revision required under this chapter.

#### CREDIT(S)

(July 14, 1955, c. 360, Title I, § 110, as added [Pub.L. 91-604](#), § 4(a), Dec. 31, 1970, 84 Stat. 1680; amended [Pub.L. 93-319](#), § 4, June 22, 1974, 88 Stat. 256; S.Res. 4, Feb. 4, 1977; [Pub.L. 95-95, Title I, §§ 107](#), 108, Aug. 7, 1977, 91 Stat. 691, 693; [Pub.L. 95-190](#), § 14(a)(1)-(6), Nov. 16, 1977, 91 Stat. 1399; [Pub.L. 97-23](#), § 3, July 17, 1981, 95 Stat. 142; [Pub.L. 101-549](#), Title I, §§ 101(b)-(d), 102(h), 107(c), 108(d), Title IV, § 412, Nov. 15, 1990, 104 Stat. 2404-2408, 2422, 2464, 2466, 2634.)

#### Notes of Decisions (368)

##### Footnotes

[1](#) So in original. Probably should be followed by a comma.

42 U.S.C.A. § 7410, 42 USCA § 7410

Current through P.L. 116-18

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United States Code Annotated

Title 42. The Public Health and Welfare

Chapter 85. Air Pollution Prevention and Control (Refs & Annos)

Subchapter I. Programs and Activities

Part C. Prevention of Significant Deterioration of Air Quality

Subpart I. Clean Air (Refs & Annos)

42 U.S.C.A. § 7471

§ 7471. Plan requirements

Currentness

In accordance with the policy of [section 7401\(b\)\(1\)](#) of this title, each applicable implementation plan shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality in each region (or portion thereof) designated pursuant to [section 7407](#) of this title as attainment or unclassifiable.

**CREDIT(S)**

(July 14, 1955, c. 360, Title I, § 161, as added [Pub.L. 95-95, Title I, § 127\(a\)](#), Aug. 7, 1977, 91 Stat. 731; amended [Pub.L. 101-549, Title I, § 110\(1\)](#), Nov. 15, 1990, 104 Stat. 2470.)

42 U.S.C.A. § 7471, 42 USCA § 7471

Current through P.L. 116-18

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Title 42. The Public Health and Welfare

Chapter 85. Air Pollution Prevention and Control (Refs & Annos)

Subchapter I. Programs and Activities

Part C. Prevention of Significant Deterioration of Air Quality

Subpart I. Clean Air (Refs & Annos)

42 U.S.C.A. § 7475

§ 7475. Preconstruction requirements

Currentness

**(a) Major emitting facilities on which construction is commenced**

No major emitting facility on which construction is commenced after August 7, 1977, may be constructed in any area to which this part applies unless--

(1) a permit has been issued for such proposed facility in accordance with this part setting forth emission limitations for such facility which conform to the requirements of this part;

(2) the proposed permit has been subject to a review in accordance with this section, the required analysis has been conducted in accordance with regulations promulgated by the Administrator, and a public hearing has been held with opportunity for interested persons including representatives of the Administrator to appear and submit written or oral presentations on the air quality impact of such source, alternatives thereto, control technology requirements, and other appropriate considerations;

(3) the owner or operator of such facility demonstrates, as required pursuant to [section 7410\(j\)](#) of this title, that emissions from construction or operation of such facility will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for any pollutant in any area to which this part applies more than one time per year, (B) national ambient air quality standard in any air quality control region, or (C) any other applicable emission standard or standard of performance under this chapter;

(4) the proposed facility is subject to the best available control technology for each pollutant subject to regulation under this chapter emitted from, or which results from, such facility;

(5) the provisions of subsection (d) of this section with respect to protection of class I areas have been complied with for such facility;

(6) there has been an analysis of any air quality impacts projected for the area as a result of growth associated with such facility;

(7) the person who owns or operates, or proposes to own or operate, a major emitting facility for which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source; and

(8) in the case of a source which proposes to construct in a class III area, emissions from which would cause or contribute to exceeding the maximum allowable increments applicable in a class II area and where no standard under [section 7411](#) of this title has been promulgated subsequent to August 7, 1977, for such source category, the Administrator has approved the determination of best available technology as set forth in the permit.

**(b) Exception**

The demonstration pertaining to maximum allowable increases required under subsection (a)(3) of this section shall not apply to maximum allowable increases for class II areas in the case of an expansion or modification of a major emitting facility which is in existence on August 7, 1977, whose allowable emissions of air pollutants, after compliance with subsection (a)(4) of this section, will be less than fifty tons per year and for which the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur oxides will not cause or contribute to ambient air quality levels in excess of the national secondary ambient air quality standard for either of such pollutants.

**(c) Permit applications**

Any completed permit application under [section 7410](#) of this title for a major emitting facility in any area to which this part applies shall be granted or denied not later than one year after the date of filing of such completed application.

**(d) Action taken on permit applications; notice; adverse impact on air quality related values; variance; emission limitations**

(1) Each State shall transmit to the Administrator a copy of each permit application relating to a major emitting facility received by such State and provide notice to the Administrator of every action related to the consideration of such permit.

(2)(A) The Administrator shall provide notice of the permit application to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area which may be affected by emissions from the proposed facility.

(B) The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands shall have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area and to consider, in consultation with the Administrator, whether a proposed major emitting facility will have an adverse impact on such values.

(C)(i) In any case where the Federal official charged with direct responsibility for management of any lands within a class I area or the Federal Land Manager of such lands, or the Administrator, or the Governor of an adjacent State containing such a class I area files a notice alleging that emissions from a proposed major emitting facility may cause or contribute to a change in the air quality in such area and identifying the potential adverse impact of such change, a permit shall

not be issued unless the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur dioxide will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area.

(ii) In any case where the Federal Land Manager demonstrates to the satisfaction of the State that the emissions from such facility will have an adverse impact on the air quality-related values (including visibility) of such lands, notwithstanding the fact that the change in air quality resulting from emissions from such facility will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area, a permit shall not be issued.

(iii) In any case where the owner or operator of such facility demonstrates to the satisfaction of the Federal Land Manager, and the Federal Land Manager so certifies, that the emissions from such facility will have no adverse impact on the air quality-related values of such lands (including visibility), notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations which exceed the maximum allowable increases for class I areas, the State may issue a permit.

(iv) In the case of a permit issued pursuant to clause (iii), such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides and particulates from such facility will not cause or contribute to concentrations of such pollutant which exceed the following maximum allowable increases over the baseline concentration for such pollutants:

**Maximum allowable increase (in micrograms per cubic meter)**

Particulate matter:	
Annual geometric mean.....	19
Twenty-four-hour maximum.....	37
Sulfur dioxide:	
Annual arithmetic mean.....	20
Twenty-four-hour maximum.....	91
Three-hour maximum.....	325

(D)(i) In any case where the owner or operator of a proposed major emitting facility who has been denied a certification under subparagraph (C)(iii) demonstrates to the satisfaction of the Governor, after notice and public hearing, and the Governor finds, that the facility cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any class I area and, in the case of Federal mandatory class I areas, that a variance under this clause will not adversely affect the air quality related values of the area (including visibility), the Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant a variance from such maximum allowable increase. If such variance is granted, a permit may be issued to such source pursuant to the requirements of this subparagraph.

(ii) In any case in which the Governor recommends a variance under this subparagraph in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to

the President. The President may approve the Governor's recommendation if he finds that such variance is in the national interest. No Presidential finding shall be reviewable in any court. The variance shall take effect if the President approves the Governor's recommendations. The President shall approve or disapprove such recommendation within ninety days after his receipt of the recommendations of the Governor and the Federal Land Manager.

(iii) In the case of a permit issued pursuant to this subparagraph, such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less on more than 18 days during any annual period:

**MAXIMUM ALLOWABLE INCREASE**

[In micrograms per cubic meter]

Period of exposure	Low terrain		High terrain	
	areas	areas	areas	areas
24-hr maximum.....		36		62
3-hr maximum.....		130		221

(iv) For purposes of clause (iii), the term "high terrain area" means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term "low terrain area" means any area other than a high terrain area.

**(e) Analysis; continuous air quality monitoring data; regulations; model adjustments**

(1) The review provided for in subsection (a) of this section shall be preceded by an analysis in accordance with regulations of the Administrator, promulgated under this subsection, which may be conducted by the State (or any general purpose unit of local government) or by the major emitting facility applying for such permit, of the ambient air quality at the proposed site and in areas which may be affected by emissions from such facility for each pollutant subject to regulation under this chapter which will be emitted from such facility.

(2) Effective one year after August 7, 1977, the analysis required by this subsection shall include continuous air quality monitoring data gathered for purposes of determining whether emissions from such facility will exceed the maximum allowable increases or the maximum allowable concentration permitted under this part. Such data shall be gathered over a period of one calendar year preceding the date of application for a permit under this part unless the State, in accordance with regulations promulgated by the Administrator, determines that a complete and adequate analysis for such purposes may be accomplished in a shorter period. The results of such analysis shall be available at the time of the public hearing on the application for such permit.

(3) The Administrator shall within six months after August 7, 1977, promulgate regulations respecting the analysis required under this subsection which regulations--

(A) shall not require the use of any automatic or uniform buffer zone or zones,

(B) shall require an analysis of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions from such facility for each pollutant regulated under this chapter which will be emitted from, or which results from the construction or operation of, such facility, the size and nature of the proposed facility, the degree of continuous emission reduction which could be achieved by such facility, and such other factors as may be relevant in determining the effect of emissions from a proposed facility on any air quality control region,

(C) shall require the results of such analysis shall be available at the time of the public hearing on the application for such permit, and

(D) shall specify with reasonable particularity each air quality model or models to be used under specified sets of conditions for purposes of this part.

Any model or models designated under such regulations may be adjusted upon a determination, after notice and opportunity for public hearing, by the Administrator that such adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from a source applying for a permit required under this part.

#### CREDIT(S)

(July 14, 1955, c. 360, Title I, § 165, as added [Pub.L. 95-95, Title I, § 127\(a\)](#), Aug. 7, 1977, 91 Stat. 735; amended [Pub.L. 95-190](#), § 14(a)(44)-(51), Nov. 16, 1977, 91 Stat. 1402.)

42 U.S.C.A. § 7475, 42 USCA § 7475

Current through P.L. 116-18

**United States Code Annotated****Title 42. The Public Health and Welfare****Chapter 85. Air Pollution Prevention and Control (Refs & Annos)****Subchapter I. Programs and Activities****Part C. Prevention of Significant Deterioration of Air Quality****Subpart I. Clean Air (Refs & Annos)**

42 U.S.C.A. § 7479

§ 7479. Definitions

**Currentness**

For purposes of this part--

**(1)** The term “major emitting facility” means any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant from the following types of stationary sources: fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers of more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities. Such term also includes any other source with the potential to emit two hundred and fifty tons per year or more of any air pollutant. This term shall not include new or modified facilities which are nonprofit health or education institutions which have been exempted by the State.

**(2)(A)** The term “commenced” as applied to construction of a major emitting facility means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

**(B)** The term “necessary preconstruction approvals or permits” means those permits or approvals, required by the permitting authority as a precondition to undertaking any activity under clauses (i) or (ii) of subparagraph (A) of this paragraph.

**(C)** The term “construction” when used in connection with any source or facility, includes the modification (as defined in [section 7411\(a\)](#) of this title) of any source or facility.

(3) The term “best available control technology” means an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this chapter emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of “best available control technology” result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to [section 7411](#) or [7412](#) of this title. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under this paragraph as it existed prior to November 15, 1990.

(4) The term “baseline concentration” means, with respect to a pollutant, the ambient concentration levels which exist at the time of the first application for a permit in an area subject to this part, based on air quality data available in the Environmental Protection Agency or a State air pollution control agency and on such monitoring data as the permit applicant is required to submit. Such ambient concentration levels shall take into account all projected emissions in, or which may affect, such area from any major emitting facility on which construction commenced prior to January 6, 1975, but which has not begun operation by the date of the baseline air quality concentration determination. Emissions of sulfur oxides and particulate matter from any major emitting facility on which construction commenced after January 6, 1975, shall not be included in the baseline and shall be counted against the maximum allowable increases in pollutant concentrations established under this part.

#### CREDIT(S)

(July 14, 1955, c. 360, Title I, § 169, as added [Pub.L. 95-95, Title I, § 127\(a\)](#), Aug. 7, 1977, 91 Stat. 740; amended [Pub.L. 95-190](#), § 14(a)(54), Nov. 16, 1977, 91 Stat. 1402; [Pub.L. 101-549, Title III, § 305\(b\)](#), [Title IV, § 403\(d\)](#), Nov. 15, 1990, 104 Stat. 2583, 2631.)

42 U.S.C.A. § 7479, 42 USCA § 7479

Current through P.L. 116-18

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West's Annotated Code of Virginia

Title 10.1. Conservation (Refs & Annos)

Subtitle II. Activities Administered by Other Entities

Chapter 13. Air Pollution Control Board (Refs & Annos)

Article 1. General Provisions (Refs & Annos)

VA Code Ann. § 10.1-1307

§ 10.1-1307. Further powers and duties of Board

Effective: July 1, 2015

Currentness

A. The Board shall have the power to control and regulate its internal affairs; initiate and supervise research programs to determine the causes, effects, and hazards of air pollution; initiate and supervise statewide programs of air pollution control education; cooperate with and receive money from the federal government or any county or municipal government, and receive money from any other source, whether public or private; develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth; and advise, consult, and cooperate with agencies of the United States and all agencies of the Commonwealth, political subdivisions, private industries, and any other affected groups in furtherance of the purposes of this chapter.

B. The Board may adopt by regulation emissions standards controlling the release into the atmosphere of air pollutants from motor vehicles, only as provided in Article 22 ([§ 46.2-1176 et seq.](#)) of Chapter 10 of Title 46.2.

C. After any regulation has been adopted by the Board pursuant to [§ 10.1-1308](#), it may in its discretion grant local variances therefrom, if it finds after an investigation and hearing that local conditions warrant. If local variances are permitted, the Board shall issue an order to this effect. Such order shall be subject to revocation or amendment at any time if the Board after a hearing determines that the amendment or revocation is warranted. Variances and amendments to variances shall be adopted only after a public hearing has been conducted pursuant to the public advertisement of the subject, date, time, and place of the hearing at least 30 days prior to the scheduled hearing. The hearing shall be conducted to give the public an opportunity to comment on the variance.

D. After the Board has adopted the regulations provided for in [§ 10.1-1308](#), it shall have the power to: (i) initiate and receive complaints as to air pollution; (ii) hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders to enforce its regulations pursuant to [§ 10.1-1309](#); and (iii) institute legal proceedings, including suits for injunctions for the enforcement of its orders, regulations, and the abatement and control of air pollution and for the enforcement of penalties.

E. The Board in making regulations and in approving variances, control programs, or permits, and the courts in granting injunctive relief under the provisions of this chapter, shall consider facts and circumstances relevant to the reasonableness of the activity involved and the regulations proposed to control it, including:

1. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened to be caused;

2. The social and economic value of the activity involved;
3. The suitability of the activity to the area in which it is located; and
4. The scientific and economic practicality of reducing or eliminating the discharge resulting from such activity.

F. The Board may designate one of its members, the Director, or a staff assistant to conduct the hearings provided for in this chapter. A record of the hearing shall be made and furnished to the Board for its use in arriving at its decision.

G. The Board shall not:

1. Adopt any regulation limiting emissions from wood heaters; or
2. Enforce against a manufacturer, distributor, or consumer any federal regulation limiting emissions from wood heaters adopted after May 1, 2014.

H. The Board shall submit an annual report to the Governor and General Assembly on or before October 1 of each year on matters relating to the Commonwealth's air pollution control policies and on the status of the Commonwealth's air quality.

#### Credits

Acts 1988, c. 891; Acts 1988, c. 26; [Acts 1990, c. 231](#); [Acts 2004, c. 650](#). Amended by [Acts 2015, c. 471](#).

VA Code Ann. § 10.1-1307, VA ST § 10.1-1307

The statutes and Constitution are current through the End of 2018 Reg. Sess. and 2018 Sp. Sess. I and include 2019 Reg. Sess. cc. 11, 17, 18, 49, 100, 164, 225, 282 (part), 441, 464, 600, 653, 654, 826, 840& 847.

Code of Federal Regulations

Title 40. Protection of Environment

Chapter I. Environmental Protection Agency (Refs & Annos)

Subchapter C. Air Programs

Part 52. Approval and Promulgation of Implementation Plans (Refs & Annos)

Subpart VV. Virginia

40 C.F.R. § 52.2420

§ 52.2420 Identification of plan.

Effective: May 15, 2019

Currentness

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Virginia under section 110 of the Clean Air Act, [42 U.S.C. 7410](#) and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 2016, were approved for incorporation by reference by the Director of the Federal Register in accordance with [5 U.S.C. 552\(a\)](#) and 1 CFR part 51. Entries in paragraphs (c) and (d) of this section with the EPA approval dates after July 1, 2016 for the Commonwealth of Virginia, have been approved by EPA for inclusion in the State implementation plan and for incorporation by reference into the plan as it is contained in this section, and will be considered by the Director of the Federal Register for approval in the next update to the SIP compilation.

(2) EPA Region III certifies that the materials provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated Commonwealth rules/regulations which have been approved as part of the state implementation plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference into the state implementation plan may be inspected at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. To obtain the material, please call the Regional Office at (215) 814-3376. You may also inspect the material with an EPA approval date prior to July 1, 2016 for the Commonwealth of Virginia at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) EPA-Approved regulations.

EPA-Approved Virginia Regulations and Statutes

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]

9 VAC 5, Chapter 10 General Definitions [Part I]

5-10-10.....General.....	8/1/02	3/15/04, 69 FR 12074	Revised paragraphs A, B, C.
5-10-20.....Terms Defined.....	2/18/10	2/14/11, 76 FR 8298	Revised definition of “Volatile organic compound.”
5-10-20.....Terms Defined.....	12/5/13, 3/27/14	8/7/14, 79 FR 46186	Revised definition of VOC.
5-10-20.....Terms Defined.....	08/28/13	01/21/15, 80 FR 2834	Terms Added— Certified Mail, Mail.
5-10-20.....Terms Defined.....	3/12/15	7/16/15, 80 FR 42046	Definition of VOC is revised by adding two chemicals (trans 1-chloro-3,3,3- trifluoroprop-1- ene and 2,3,3,3- tetrafluoropropene) to the list of substances not considered to be VOCs.
5-10-20.....Terms Defined.....	7/30/15	11/27/15, 80 FR 73997	Definition of VOC is revised by adding 2-amino-2- methyl-1- propanol to the list of substances not considered to be VOCs.
5-10-20.....Terms Defined.....	12/15/16	3/13/18, 83 FR 10791	Definition of “volatile organic compound” is revised by removing the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements related to the use of t-butyl

			acetate (also known as tertiary butyl acetate or TBAC) as a VOC.
5-10-20.....Terms Defined.....	5/19/17	3/13/18, 83 FR 10791	Definition of “volatile organic compound” is revised by adding 1,1,2,2,- Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2) to the list of compounds excluded from the regulatory definition of VOC.
5-10-30.....Abbreviations.....	8/17/11	2/25/14, 79 FR 10377	Revised.

9 VAC 5, Chapter 20 General Provisions

Part I Administrative

5-20-10A.-C.....Applicability.....	4/17/95	4/21/00, 65 FR 21315	120-02-01.
5-20-70.....Circumvention.....	4/17/95	4/21/00, 65 FR 21315	120-02-07.
5-20-80.....Relationship of state regulations to Federal regulations.....	4/17/95	4/21/00, 65 FR 21315	120-02-08.
5-20-121.....Air Quality Program Policies and Procedures.....	7/1/97	4/21/00, 65 FR 21315	Appendix S.

Part II Air Quality Programs

5-20-160.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-02-31.
5-20-170.....Control Programs.....	4/17/95	4/21/00, 65 FR 21315	120-02-32.
5-20-180.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-02-34.

5-20-200.....	Air Quality Control Regions (AQCR).....	7/1/97	4/21/00, 65 FR 21315	Appendix B.
5-20-202.....	Metropolitan Statistical Areas..	7/1/97	4/21/00, 65 FR 21315	Appendix G.
5-20-203.....	Air Quality Maintenance Areas	3/11/15	8/14/15 80 FR 48732	List of maintenance areas revised to include Northern Virginia localities for fine particulate matter (PM <sub>2.5</sub> ).
5-20-204.....	Nonattainment Areas.....	11/16/16	2/22/18, 83 FR 7613	Addition of Subdivision C.
				Previous approval 8/14/15.
5-20-205.....	Prevention of Significant Deterioration Areas.....	1/1/98, 4/1/98, 1/1/99, 8/25/04	8/18/06, 71 FR 47744	
5-20-206.....	Volatile Organic Compound and Nitrogen Oxides Emissions Control Areas.....	10/4/06	3/2/07, 72 FR 9441	Addition of new Fredericksburg Area and expansion of Richmond and Hampton Roads Emission Control Areas.
5-20-220.....	Shutdown of a stationary source.....	4/1/98	6/27/03, 68 FR 38191	
5-20-230.....	Certification of Documents.....	4/1/98	6/27/03, 68 FR 38191	

VR120, Part II General Provisions

VR120-02-02.....	Establishment of Regulations and Orders.....	2/1/85	2/25/93, 58 FR 11373	EPA has informed VA that except for the Appeals rule, these provisions no longer need to be part of the SIP. VA has withdrawn 2/93 and 2/98 revisions to the Appeals rule from SIP review. Last substantive SIP change became
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State-effective  
 on 8/6/79 [§  
 52.2465(c)(55)].

VR120-02-04..... Hearings and Proceedings.....	2/1/85	2/25/93, 58 FR 11373
VR120-02-05A..... Variances—General.....	2/1/85	2/25/93, 58 FR 11373
VR 2.05(b)..... Variances—Fuel Emergency....	8/14/75	10/8/80, 45 FR 66792
VR120-02-09..... Appeals.....	2/1/85	2/25/93, 58 FR 11373
VR120-02-12..... Procedural information and guidance.....	2/1/85	2/25/93, 58 FR 11373
Appendix E..... Public Participation Guidelines	2/1/85	2/25/93, 58 FR 11373
Appendix F..... Delegation of Authority.....	2/1/85	2/25/93, 58 FR 11373

9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]

5-30-10.....General.....	9/8/04	3/3/06, 71 FR 10842	
5-30-15.....Reference Conditions.....	5/22/13	10/25/13, 78 FR 63878	Revised to include Section 5-30-67.
5-30-30.....Sulfur Oxides (Sulfur Dioxide).	5/25/11	2/3/12, 77 FR 5400	Addition of paragraphs A.2 through A.4; revisions to paragraphs A.1, C. and D.
5-30-40.....Carbon Monoxide.....	9/8/04	3/3/06, 71 FR 10842	
5-30-50.....Ozone (1-hour).....	9/8/04	3/3/06, 71 FR 10842	
5-30-55.....Ozone (8-hour, 0.08 ppm).....	11/16/16	2/22/18, 83 FR 7613	Subdivision D. is revised to read that the 1997 8-hour ozone NAAQS no longer apply after April 6, 2015.
			Previous approval 6/11/13.

5-30-56.....Ozone (8-hour, 0.075 ppm).....	6/24/09	1/18/11, 76 FR 2829	Added section.
5-30-57.....Ozone (8-hour, 0.070 ppm).....	06/01/2016	03/12/2018, 83 FR 10628	
5-30-60.....Particulate Matter (PM <sub>10</sub> ).....	8/1/07	12/28/10, 75 FR 81477	Removed PM <sub>10</sub> annual standard.
5-30-65.....Particulate Matter (PM <sub>2.5</sub> ).....	8/1/07	12/28/10, 75 FR 81477	Removed PM <sub>10</sub> standard.
5-30-66.....Particulate Matter (PM <sub>2.5</sub> ).....	8/1/07	12/28/10, 75 FR 81477	Added section.
5-30-67.....Particulate Matter (PM <sub>2.5</sub> ).....	5/22/13	10/25/13, 78 FR 63878	Added Section.
5-30-70.....Oxides of nitrogen with nitrogen oxide as the indicator.	8/18/10	6/22/11, 76 FR 36326	Sections A., D., and E. are modified. Sections B., C., F., and G. are added.
5-30-80.....Lead.....	6/24/09	4/25/11, 76 FR 22814	Revised section.

9 VAC 5, Chapter 40 Existing Stationary Sources [Part IV]

Part I Special Provisions

5-40-10.....Applicability.....	8/1/02	3/15/04, 69 FR 12074	
5-40-20 (except paragraph A.4.).....Compliance.....	12/12/07	2/24/10, 75 FR 8249	Revisions to paragraph A.3.
5-40-21.....Compliance Schedules.....	7/1/97	4/21/00, 65 FR 21315	Appendix N.
5-40-22.....Interpretation of Emissions Standards Based on Process Weight-Rate Tables.....	7/1/97	4/21/00, 65 FR 21315	Appendix Q.
5-40-30.....Emission Testing.....	8/1/02	3/15/04, 69 FR 12074	
5-40-40.....Monitoring.....	8/1/02	3/15/04, 69 FR 12074	
5-40-41.....Emission Monitoring Procedures for Existing Sources.....	7/1/97	4/21/00, 65 FR 21315	Appendix J.

5-40-50.....Notification, Records and Reporting.....	8/1/02	3/15/04, 69 FR 12074
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Part II Emission Standards

Article 1 Visible Emissions and Fugitive Dust/Emissions (Rule 4-1)

5-40-60.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-0101.
5-40-70.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0102.
5-40-80.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0103.
5-40-90.....Standard for Fugitive Dust/ Emissions.....	2/1/03	4/29/05, 70 FR 22263	
5-40-100.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0105.
5-40-110.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0106.
5-40-120.....Waivers.....	2/1/03	4/29/05, 70 FR 22263	

Article 4 General Process Operations (Rule 4-4)

5-40-240.....Applicability and Designation of Affected Facility.....	1/2/02	2/28/08, 73 FR 10670	
5-40-250.....Definitions.....	12/15/06	1/19/11, 76 FR 3023	Removal of “Reasonably available control technology” from 5-40-250C.
5-40-260.....Standard for Particulate Matter(AQCR 1-6).....	4/17/95	4/21/00, 65 FR 21315	120-04-0403.
5-40-270.....Standard for Particulate Matter (AQCR 7).....	4/17/95	4/21/00, 65 FR 21315	120-04-0404.
5-40-280.....Standard for Sulfur Dioxide....	4/17/95	4/21/00, 65 FR 21315	120-04-0405.
5-40-320.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0409.
5-40-330.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0410.
5-40-360.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0413.

5-40-370.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0414.
5-40-380.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0415.
5-40-390.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0416.
5-40-400.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0417.
5-40-410.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0418.
5-40-420.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-0419.

Article 5 Emission Standards for Synthesized Pharmaceutical Products Manufacturing Operations (Rule 4-5)

5-40-430.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-0501.
5-40-440.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0502.
4-40-450.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-0503.
5-40-460.....Control Technology Guidelines	2/1/02	3/3/06, 71 FR 10838	
5-40-470.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0505.
5-40-480.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0506.
5-40-510.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0509.
5-40-520.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0510.
5-40-530.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0511.
5-40-540.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0512.
5-40-550.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0513.
5-40-560.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0514.

5-40-570.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-0515.
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Article 6 Emission Standards for Rubber Tire Manufacturing Operations (Rule 4-6)

5-40-580.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-0601.
5-40-590.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0602.
5-40-600.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-0603.
5-40-610.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-0604.
5-40-620.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0605.
5-40-630.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0606.
5-40-660.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0609.
5-40-670.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0610.
5-40-680.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0611.
5-40-690.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0612.
5-40-700.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0613.
5-40-710.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0614.
5-40-720.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-0615.

Article 7 Emission Standards for Incinerators (Rule 4-7)

5-40-730.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-0701.
5-40-740.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0702.
5-40-750.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-0703.

5-40-760.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0704.
5-40-770.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0705.
5-40-800.....Prohibition of Flue-Fed Incinerators.....	4/17/95	4/21/00, 65 FR 21315	120-04-0708.
5-40-810.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0709.
5-40-820.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0710.
5-40-830.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0711.
5-40-840.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0712.
5-40-850.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0713.
5-40-860.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0714.
5-40-870.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-0715.

Article 8 Emission Standards for Fuel Burning Equipment (Rule 4-8)

5-40-880.....Applicability and Designation of Affected Facility.....	4/1/99	5/31/01, 66 FR 29495	
5-40-890.....Definitions.....	4/1/99	5/31/01, 66 FR 29495	
5-40-900.....Standard for Particulate Matter.....	4/1/99	5/31/01, 66 FR 29495	
5-40-910.....Emission Allocation System.....	4/17/95	4/21/00, 65 FR 21315	120-04-0804.
5-40-920.....Determination of Collection Equipment Efficiency Factor....	4/17/95	4/21/00, 65 FR 21315	120-04-0805.
5-40-930.....Standard for Sulfur Dioxide.....	4/17/95	4/21/00, 65 FR 21315	120-04-0806.
5-40-940.....Standard for Visible Emissions.	4/1/99	5/31/01, 66 FR 29495	
5-40-950.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0808.

5-40-980.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0811.
5-40-990.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0812.
5-40-1000.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0813.
5-40-1010.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0814.
5-40-1020.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0815.
5-40-1030.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0816.
5-40-1040.....Permits.....	4/1/99	5/31/01, 66 FR 29495	

Article 9 Emission Standards for Coke Ovens (Rule 4-9)

5-40-1050.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-0901.
5-40-1060.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0902.
5-40-1070.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-0903.
5-40-1080.....Standard for Sulfur Dioxide.....	4/17/95	4/21/00, 65 FR 21315	120-04-0904.
5-40-1090.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-0905.
5-40-1100.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-0906.
5-40-1130.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-0909.
5-40-1140.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-0910.
5-40-1150.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-0911.
5-40-1160.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-0912.
5-40-1170.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-0913.

5-40-1180.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-0914.
5-40-1190.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-0915.

Article 10 Emission Standards for Asphalt Concrete Plants (Rule 4-10)

5-40-1200.....	Applicability and Designation of Affected Facility .....	4/17/95	4/21/00, 65 FR 21315	120-04-1001.
5-40-1210.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1002.
5-40-1220.....	Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1003.
5-40-1230.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1004.
5-40-1240.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1005.
5-40-1270.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1008.
5-40-1280.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1009.
5-40-1290.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1010.
5-40-1300.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1011.
5-40-1310.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1012.
5-40-1320.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1013.
5-40-1330.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1014.

Article 11 Emission Standards for Petroleum Refinery Operations (Rule 4-11)

5-40-1340.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1101.
5-40-1350.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1102.
5-40-1360.....	Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1103.

5-40-1370.....Standard for Sulfur Dioxide.....	4/17/95	4/21/00, 65 FR 21315	120-04-1104.
5-40-1390.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-1106.
5-40-1400.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-1107.
5-40-1410.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1108.
5-40-1420.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1109.
5-40-1450.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1112.
5-40-1460.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1113.
5-40-1470.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1114.
5-40-1480.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1115.
5-40-1490.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1116.
5-40-1500.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1117.
5-40-1510.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1118.

Article 12 Emission Standards for Chemical Fertilizer Manufacturing Operations (Rule 4-12)

5-40-1520.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1201.
5-40-1530.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1202.
5-40-1540.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1203.
5-40-1550.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1204.
5-40-1560.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1205.
5-40-1590.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1208.

5-40-1600.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1209.
5-40-1610.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1210.
5-40-1620.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1211.
5-40-1630.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1212.
5-40-1640.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1213.
5-40-1650.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1214.

Article 13 Emission Standards for Kraft Pulp and Paper Mills (Rule 4-13)

5-40-1660.....Applicability and Designation of Affected Facility.....	4/1/99	10/19/07, 72 FR 59207	
5-40-1670.....Definitions of Cross recovery furnace, Kraft pulp mill, Lime kiln, Recovery furnace, Smelt dissolving tank.....	4/17/95	4/21/00, 65 FR 21315	120-04-1302 Remaining definitions are federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, § 62.11610).
.....Definitions.....	4/1/99	10/19/07, 72 FR 59207	Added: Neutral sulfite semi chemical pulping operation, New design recovery furnace, Pulp and paper mill, Semi chemical pulping process; Straight kraft recovery furnace.
			Revised: Cross recovery furnace.
5-40-1680.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1303.
5-40-1700.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-1305.
5-40-1710.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1306.

5-40-1720.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1307.
5-40-1750.....Compliance.....	4/1/99	10/19/07, 72 FR 59207	
5-40-1760.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1311.
5-40-1770A.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1312A. Note: Sections 5-40-1770B. and C. are Federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, § 62.11610).
5-40-1780A.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1313A. Note: Sections 5-40-1780B. through D. are Federally enforceable as part of the Section 111(d) plan for kraft pulp mills (see, § 62.11610).
5-40-1790.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1314.
5-40-1800.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1315.
5-40-1810.....Permits.....	4/1/99	10/19/07, 72 FR 59207	

Article 14 Emission Standards for Sand and Gravel Processing Operations and Stone Quarrying and Processing Operations (Rule 4-14)

5-40-1820.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1401.
5-40-1830.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1402.
5-40-1840.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1403.
5-40-1850.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1404.

5-40-1860.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1405.
5-40-1890.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1408.
5-40-1900.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1409.
5-40-1910.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1410.
5-40-1920.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1411.
5-40-1930.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1412.
5-40-1940.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1413.
5-40-1950.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1414.

Article 15 Emission Standards for Coal Preparation Plants (Rule 4-15)

5-40-1960.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1501.
5-40-1970.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1502.
5-40-1980.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1503.
5-40-1990.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1504.
5-40-2000.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1505.
5-40-2030.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1508.
5-40-2040.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1509.
5-40-2050.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1510.
5-40-2060.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1511.
5-40-2070.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1512.

5-40-2080.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1513.
5-40-2090.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1514.

Article 16 Emission Standards for Portland Cement Plants (Rule 4-16)

5-40-2100.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1601.
5-40-2110.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1602.
5-40-2120.....	Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1603.
5-40-2130.....	Standard for Sulfur Dioxide.....	4/17/95	4/21/00, 65 FR 21315	120-04-1604.
5-40-2140.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1605.
5-40-2150.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1606.
5-40-2180.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1609.
5-40-2190.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1610.
5-40-2200.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1611.
5-40-2210.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1612.
5-40-2220.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1613.
5-40-2230.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1614.
5-40-2240.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1615.

Article 17 Emission Standards for Woodworking Operations (Rule 4-17)

5-40-2250.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1701.
5-40-2260.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1702.

5-40-2270.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1703.
5-40-2280.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1704.
5-40-2290.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1705.
5-40-2320.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1708.
5-40-2330.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1709.
5-40-2340.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1710.
5-40-2350.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1711.
5-40-2360.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1712.
5-40-2370.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1713.
5-40-2380.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1714.

Article 18 Emission Standards for Primary and Secondary Metal Operations (Rule 4-18)

5-40-2390.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1801.
5-40-2400.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1802.
5-40-2410.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1803.
5-40-2420.....Standard for Sulfur Oxides.....	4/17/95	4/21/00, 65 FR 21315	120-04-1804.
5-40-2430.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1805.
5-40-2440.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1806.
5-40-2470.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1809.
5-40-2480.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1810.

5-40-2490.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1811.
5-40-2500.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1812.
5-40-2510.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1813.
5-40-2520.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1814.
5-40-2530.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1815.

Article 19 Emission Standards for Lightweight Aggregate Process Operations (Rule 4-19)

5-40-2540.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-1901.
5-40-2550.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1902.
5-40-2560.....Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-1903.
5-40-2570.....Standard for Sulfur Oxides.....	4/17/95	4/21/00, 65 FR 21315	120-04-1904.
5-40-2580.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-1905.
5-40-2590.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-1906.
5-40-2620.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-1909.
5-40-2630.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-1910.
5-40-2640.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-1911.
5-40-2650.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-1912.
5-40-2660.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-1913.
5-40-2670.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-1914.
5-40-2680.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-1915.

Article 20 Emission Standards for Feed Manufacturing Operations (Rule 4-20)

5-40-2690.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2001.
5-40-2700.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2002.
5-40-2710.....	Standard for Particulate Matter.....	4/17/95	4/21/00, 65 FR 21315	120-04-2003.
5-40-2720.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2004.
5-40-2730.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2005.
5-40-2760.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2008.
5-40-2770.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2009.
5-40-2780.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2010.
5-40-2790.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2011.
5-40-2800.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2012.
5-40-2810.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2013.
5-40-2820.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2014.

Article 21 Emission Standards for Sulfuric Acid Production Plants (Rule 4-21)

5-40-2830.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2101.
5-40-2840.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2102.
5-40-2850.....	Standard for Sulfur Dioxide....	4/17/95	4/21/00, 65 FR 21315	120-04-2103.
5-40-2870.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2105.
5-40-2880.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2106.

5-40-2910.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2109.
5-40-2920.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2110.
5-40-2930.....Monitoring.....	2/1/02	3/3/06, 71 FR 10838	
5-40-2940.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2112.
5-40-2950.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2113.
5-40-2960.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2114.
5-40-2970.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2115.

Article 22 Emission Standards for Sulfur Recovery Operations (Rule 4-22)

5-40-2980.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2201.
5-40-2990.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2202.
5-40-3000.....Standard for Sulfur Dioxide.....	4/17/95	4/21/00, 65 FR 21315	120-04-2203.
5-40-3010.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2204.
5-40-3020.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2205.
5-40-3050.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2208.
5-40-3060.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2209.
5-40-3070.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2210.
5-40-3080.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2211.
5-40-3090.....Registration.....	4/17/95	4/21/00, 65 FR 21315	20-04-2212.
5-40-3100.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2213.

5-40-3110.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2214.
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Article 23 Emission Standards for Nitric Acid Production Units (Rule 4-23)

5-40-3120.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2301.
5-40-3130.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2302.
5-40-3140.....Standard for Nitrogen Oxides..	4/17/95	4/21/00, 65 FR 21315	120-04-2303.
5-40-3150.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2304.
5-40-3160.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2305.
5-40-3190.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2308.
5-40-3200.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2309.
5-40-3210.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2310.
5-40-3220.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2311.
5-40-3230.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2312.
5-40-3240.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2313.
5-40-3250.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2314.

Article 24 Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents (Rule 4-24)

5-40-3260.....Applicability and Designation of Affected Facility.....	3/24/04	5/17/05, 70 FR 28215	
5-40-3270.....Definitions.....	4/1/97	11/3/99, 64 FR 59635	
5-40-3280.....Standard for Volatile Organic Compounds.....	4/1/97	11/3/99, 64 FR 59635	
5-40-3290.....Control Technology Guidelines	4/1/97	11/3/99, 64 FR 59635	

5-40-3300.....Standard for Visible Emissions.	4/1/97	11/3/99, 64 FR 59635
5-40-3310.....Standard for Fugitive Dust/ Emissions.....	4/1/97	11/3/99, 64 FR 59635
5-40-3340.....Compliance.....	4/1/97	11/3/99, 64 FR 59635
5-40-3350.....Test Methods and Procedures..	4/1/97	11/3/99, 64 FR 59635
5-40-3360.....Monitoring.....	4/1/97	11/3/99, 64 FR 59635
5-40-3370.....Notification, Records and Reporting.....	4/1/97	11/3/99, 64 FR 59635
5-40-3380.....Registration.....	4/1/97	11/3/99, 64 FR 59635
5-40-3390.....Facility and Control Equipment Maintenance or Malfunction.....	4/1/97	11/3/99, 64 FR 59635
5-40-3400.....Permits.....	4/1/97	11/3/99, 64 FR 59635

Article 25 Emission Standards for Volatile Organic Compound Storage and Transfer Operations (Rule 4-25)

5-40-3410.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2501.
5-40-3420.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2502.
5-40-3430.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-2503.
5-40-3440.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-2504.
5-40-3450.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2505.
5-40-3460.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2506.
5-40-3490.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2509.
5-40-3500.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2510.
5-40-3510.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2511.

5-40-3520.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2512.
5-40-3530.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2513.
5-40-3540.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2514.
5-40-3550.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2515.

Article 26 Emission Standards for Large Coating Application Systems (Rule 4-26)

5-40-3560.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2601.
5-40-3570.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2602.
5-40-3580.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-2603.
5-40-3590.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-2604.
5-40-3600.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2605.
5-40-3610.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2606.
5-40-3640.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2609.
5-40-3650.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2610.
5-40-3660.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2611.
5-40-3670.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2612.
5-40-3680.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2613.
5-40-3690.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2614.
5-40-3700.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2615.

Article 27 Emission Standards for Magnet Wire Coating Application Systems (Rule 4-27)

5-40-3710.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2701.
5-40-3720.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2702.
5-40-3730.....	Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-2703.
5-40-3740.....	Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-2704.
5-40-3750.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2705.
5-40-3760.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2706.
5-40-3790.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2709.
5-40-3800.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2710.
5-40-3810.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2711.
5-40-3820.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2712.
5-40-3830.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2713.
5-40-3840.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2714.
5-40-3850.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2715.

Article 28 Emission Standards for Automobile and Light Duty Truck Coating Application Systems (Rule 4-28)

5-40-3860.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2801.
5-40-3870.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2802.
5-40-3880.....	Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-2803.
5-40-3890.....	Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-2804.
5-40-3900.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2805.

5-40-3910.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2806.
5-40-3940.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2809.
5-40-3950.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2810.
5-40-3960.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2811.
5-40-3970.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2812.
5-40-3980.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2813.
5-40-3990.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2814.
5-40-4000.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2815.

Article 29 Emission Standards for Can Coating Application Systems (Rule 4-29)

5-40-4010.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-2901.
5-40-4020.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2902.
5-40-4030.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-2903.
5-40-4040.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-2904.
5-40-4050.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-2905.
5-40-4060.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-2906.
5-40-4090.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-2909.
5-40-4100.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-2910.
5-40-4110.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-2911.
5-40-4120.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-2912.

5-40-4130.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-2913.
5-40-4140.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-2914.
5-40-4150.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-2915.

Article 30 Emission Standards for Metal Coil Coating Application Systems (Rule 4-30)

5-40-4160.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-3001.
5-40-4170.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3002.
5-40-4180.....	Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3003.
5-40-4190.....	Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3004.
5-40-4200.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3005.
5-40-4210.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3006.
5-40-4240.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3009.
5-40-4250.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3010.
5-40-4260.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3011.
5-40-4270.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3012.
5-40-4280.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3013.
5-40-4290.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3014.
5-40-4300.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3015.

Article 31 Emission Standards for Paper and Fabric Coating Application Systems (Rule 4-31)

5-40-4310.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-3101.
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5-40-4320.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3102.
5-40-4330.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3103.
5-40-4340.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3104.
5-40-4350.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3105.
5-40-4360.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3106.
5-40-4390.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3109.
5-40-4400.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3110.
5-40-4410.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3111.
5-40-4420.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3112.
5-40-4430.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3113.
5-40-4440.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3114.
5-40-4450.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3115.

Article 32 Emission Standards for Vinyl Coating Application Systems (Rule 4-32)

5-40-4460.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-3201.
5-40-4470.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3202.
5-40-4480.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3203.
5-40-4490.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3204.
5-40-4500.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3205.
5-40-4510.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3206.

5-40-4540.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3209.
5-40-4550.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3210.
5-40-4560.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3211.
5-40-4570.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3212.
5-40-4580.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3213.
5-40-4590.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3214.
5-40-4600.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3215.

**Article 33 Emission Standards for Metal Furniture Coating Application Systems (Rule 4-33)**

5-40-4610.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-3301.
5-40-4620.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3302.
5-40-4630.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3303.
5-40-4640.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3304.
5-40-4650.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3305.
5-40-4660.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3306.
5-40-4690.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3309.
5-40-4700.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3310.
5-40-4710.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3311.
5-40-4720.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3312.
5-40-4730.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3313.

5-40-4740.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3314.
5-40-4750.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3315.

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Article 34 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems (Rule 4-34)

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5-40-4760.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Amended to refer Northern VA VOC emission control area to Article 59.
5-40-4770.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3402.
5-40-4780.....	Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3403.
5-40-4790.....	Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3404.
5-40-4800.....	Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3405.
5-40-4810.....	Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3406.
5-40-4840.....	Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3409.
5-40-4850.....	Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3410.
5-40-4860.....	Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3411.
5-40-4870.....	Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3412.
5-40-4880.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3413.
5-40-4890.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3414.
5-40-4900.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3415.

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Article 35 Emission Standards for Flatwood Paneling Coating Application Systems (Rule 4-35)

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5-40-4910.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-3501.
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5-40-4920.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3502.
5-40-4930.....Standard for Volatile Organic Compounds.....	4/17/95	4/21/00, 65 FR 21315	120-04-3503.
5-40-4940.....Control Technology Guidelines	4/17/95	4/21/00, 65 FR 21315	120-04-3504.
5-40-4950.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-04-3505.
5-40-4960.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-04-3506.
5-40-4990.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-04-3509.
5-40-5000.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-04-3510.
5-40-5010.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-04-3511.
5-40-5020.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-04-3512.
5-40-5030.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3513.
5-40-5040.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3514.
5-40-5050.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3515.

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Article 36 Flexographic, Packaging Rotogravure, and Publication Rotogravure Printing Lines (Rule 4-36)

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5-40-5060.....Applicability and Designation of Affected Facility.....	4/1/96	3/2/07, 72 FR 9441	
		10/4/06	
5-40-5070.....Definitions.....	4/1/96	3/12/97, 62 FR 11334	§ 52.2465(c)(113) (i)(B)(4).
5-40-5080.....Standard for Volatile Organic Compounds.....	4/1/96	3/12/97, 62 FR 11334	
5-40-5090.....Standard for Visible Emissions.	4/1/96	3/12/97, 62 FR 11334	
5-40-5100.....Standard for Fugitive Dust/ Emissions.....	4/1/96	3/12/97, 62 FR 11334	

5-40-5130.....Compliance.....	4/1/96	3/12/97, 62 FR 11334
5-40-5140.....Test Methods and Procedures..	4/1/96	3/12/97, 62 FR 11334
5-40-5150.....Monitoring.....	4/1/96	3/12/97, 62 FR 11334
5-40-5160.....Notification, Records and Reporting.....	4/1/96	3/12/97, 62 FR 11334
5-40-5170.....Registration.....	4/1/96	3/12/97, 62 FR 11334
5-40-5180.....Facility and Control Equipment Maintenance or Malfunction.....	4/1/96	3/12/97, 62 FR 11334
5-40-5190.....Permits.....	4/1/96	3/12/97, 62 FR 11334

Article 37 Emission Standards for Petroleum Liquid Storage and Transfer Operations (Rule 4-37)

5-40-5200.....Applicability and Designation of Affected Facility.....	4/1/96  10/4/06	3/2/07, 72 FR 9441
5-40-5210.....Definitions.....	2/1/02	3/3/06, 71 FR 10838
5-40-5220.....Standard for Volatile Organic Compounds.....	07/30/2015	05/10/2017, 82 FR 21702
5-40-5230.....Control Technology Guidelines	2/1/02	3/3/06, 71 FR 10838
5-40-5240.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315
5-40-5250.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315
5-40-5270.....Standard for Toxic Pollutants..	07/30/2015	05/10/2017, 82 FR 21702
5-40-5280.....Compliance.....	4/17/95	4/21/00, 65 FR 21315
5-40-5290.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315
5-40-5300.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315
5-40-5310.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315

5-40-5320.....	Registration.....	4/17/95	4/21/00, 65 FR 21315	120-04-3713.
5-40-5330.....	Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-04-3714.
5-40-5340.....	Permits.....	4/17/95	4/21/00, 65 FR 21315	120-04-3715.

Article 41 Emission Standards for Mobile Sources (Rule 4-41)

5-40-5650.....	Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-04-4101.
5-40-5660.....	Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-04-4102.
5-40-5670.....	Motor Vehicles.....	4/17/95	4/21/00, 65 FR 21315	120-04-4103.
5-40-5680.....	Other Mobile Sources.....	4/17/95	4/21/00, 65 FR 21315	120-04-4104.
5-40-5690.....	Export/Import of Motor Vehicles.....	4/17/95	4/21/00, 65 FR 21315	120-04-4105.

Article 43 Municipal Solid Waste Landfills (Rule 4-43)

5-40-5800.....	Applicability and Designation of Affected Facility.....	1/29/04	12/29/04, 69 FR 77900	
5-40-5810.....	Definitions.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-40-5820.....	Standard for air emissions.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-40-5822.....	Operational standards for collection and control systems..	1/29/04	12/29/04, 69 FR 77900	
5-40-5824.....	Specifications for active collection systems.....	1/29/04	12/29/04, 69 FR 77900	
5-140-5850.....	Compliance.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-40-5855.....	Compliance schedule.....	1/29/04	12/29/04, 69 FR 77900	
5-40-5860.....	Test methods and procedures...	1/29/04	12/29/04, 69 FR 77900	
5-40-5870.....	Monitoring.....	1/29/04	12/29/04, 69 FR 77900	

5-40-5880.....Reporting.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-40-5890.....Recordkeeping.....	1/29/04	12/29/04, 69 FR 77900	
5-40-5900.....Registration.....	1/29/04	12/29/04, 69 FR 77900	
5-40-5910.....Facility and control equipment Maintenance or Malfunction....	1/29/04	12/29/04, 69 FR 77900	
5-40-5920.....Permits.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.

**Article 47 Emission Standards for Solvent Metal Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area (Rule 4-47)**

5-40-6820.....Applicability.....	3/24/04	6/9/04, 69 FR 32277
5-40-6830.....Definitions.....	3/24/04	6/9/04, 69 FR 32277
5-40-6840.....Standards for volatile organic compounds.....	3/24/04	6/9/04, 69 FR 32277
5-40-6850.....Standard for visible emissions..	3/24/04	6/9/04, 69 FR 32277
5-40-6860.....Standard for fugitive dust/ emissions.....	3/24/04	6/9/04, 69 FR 32277
5-40-6890.....Compliance.....	3/24/04	6/9/04, 69 FR 32277
5-40-6900.....Compliance schedules.....	3/24/04	6/9/04, 69 FR 32277
5-40-6910.....Test methods and procedures...	3/24/04	6/9/04, 69 FR 32277
5-40-6920.....Monitoring.....	3/24/04	6/9/04, 69 FR 32277
5-40-6930.....Notification, records and reporting.....	3/24/04	6/9/04, 69 FR 32277
5-40-6940.....Registration.....	3/24/04	6/9/04, 69 FR 32277
5-40-6950.....Facility and control equipment Maintenance or Malfunction....	3/24/04	6/9/04, 69 FR 32277
5-40-6960.....Permits.....	3/24/04	6/9/04, 69 FR 32277

Article 48—Emission Standards for Mobile Equipment Repairs and Refinishing (Rule 4-48)

5-40-6970.....	Applicability and designation of affected facility.....	10/01/13	08/04/15, 80 FR 46202	Revision extends the applicability to include the Richmond VOC Emissions Control Area.
5-40-6975.....	Exemptions.....	10/01/13	08/04/15, 80 FR 46202	Added.
5-40-6980.....	Definitions.....	3/24/04	6/24/04, 69 FR 35253	
5-40-6990.....	Standards for volatile organic compounds.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7000.....	Standard for visible emissions..	3/24/04	6/24/04, 69 FR 35253	
5-40-7010.....	Standard for fugitive dust/ emissions.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7040.....	Compliance.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7050.....	Compliance schedules.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-40-7060.....	Test methods and procedures...	3/24/04	6/24/04, 69 FR 35253	
5-40-7070.....	Monitoring.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7080.....	Notification, records and reporting.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7090.....	Registration.....	3/24/04	6/24/04, 69 FR 35253	
5-40-7100.....	Facility and control equipment Maintenance or Malfunction....	3/24/04	6/24/04, 69 FR 35253	
5-40-7110.....	Permits.....	3/24/04	6/24/04, 69 FR 35253	

Article 51 Stationary Sources Subject to Case-by-Case Control Technology Determinations (Rule 4-51)

5-40-7370.....	Applicability and designation of affected facility.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7380.....	Definitions.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.

5-40-7390.....	Standard for volatile organic compounds (1-hour ozone standard).....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7400.....	Standard for volatile organic compounds (eight-hour ozone standard).....	12/02/2015	8/16/2016, 81 FR 54509	Notification and compliance dates added
5-40-7410.....	Standard for nitrogen oxides (1-hour ozone standard).....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
			6/24/09	
5-40-7420.....	Standard for nitrogen oxides (eight-hour ozone standard).....	12/02/2015	8/16/2016, 81 FR 54509	Notification and compliance dates added
5-40-7430.....	Presumptive reasonably available control technology guidelines for stationary sources of nitrogen oxides.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7440.....	Standard for visible emissions..	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7450.....	Standard for fugitive dust/ emissions.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7480.....	Compliance.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7490.....	Test methods and procedures...	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7500.....	Monitoring.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7510.....	Notification.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7520.....	Registration.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7530.....	Facility and control equipment maintenance or malfunction....	12/15/06	1/19/11, 76 FR 3023	Added Regulation.
5-40-7540.....	Permits.....	12/15/06	1/19/11, 76 FR 3023	Added Regulation

Article 53 Emission Standards for Lithographic Printing Processes (Rule 4-53) [Formerly Article 45]

5-40-7800.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Amended to refer Northern VA VOC emission control area to Article 56.1.
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5-40-7810.....	Definitions of Alcohol, Cleaning solution, Fountain solution, Lithographic printing, Printing process.....	4/1/96, 10/4/06	3/2/07, 72 FR 9441
5-40-7820.....	Standard for Volatile Organic Compounds.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7840.....	Standard for Visible Emissions.	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7850.....	Standard for Fugitive Dust Emissions.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7880.....	Compliance.....	10/4/06	3/2/07, 72 FR 9441
			Revisions to compliance dates.
5-40-7890.....	Test Methods and Procedures..	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7900.....	Monitoring.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7910.....	Notification, Records and Reporting.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7920.....	Registration.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7930.....	Facility and Control Equipment Maintenance and Malfunction.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	
5-40-7940.....	Permits.....	4/1/96	3/2/07, 72 FR 9441
		10/4/06	

Article 56, Emission Standards for Letterpress Printing Operations in the Northern Virginia  
Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56)

5-40-8380.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8382.....	Definitions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8384.....	Standard for volatile organic compounds.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8386.....	Standard for visible emissions..	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8388.....	Standard for fugitive/dust emissions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8396.....	Compliance.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8398.....	Compliance schedule.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8400.....	Test methods and procedures...	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8410.....	Monitoring.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8412.....	Notification, records, and reporting.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8414.....	Registration.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8418.....	Permits.....	02/01/16	10/21/16, 81 FR 72711	Added.

**Article 56.1 Emission Standards for Offset Lithographic Printing Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-56.1)**

5-40-8420.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8422.....	Definitions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8424.....	Standard for volatile organic compounds.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8426.....	Standard for visible emissions..	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8428.....	Standard for fugitive/dust emissions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8434.....	Compliance.....	02/01/16	10/21/16, 81 FR 72711	Added.

5-40-8436.....Compliance schedule.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8438.....Test methods and procedures...	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8440.....Monitoring.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8450.....Notification, records, and reporting.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8460.....Registration.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8480.....Permits.....	02/01/16	10/21/16, 81 FR 72711	Added.

**Article 57 Emission Standards for Industrial Solvent Cleaning Operations in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-57)**

5-40-8510.....Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8520.....Definitions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8530.....Standard for volatile organic compounds.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8540.....Standard for visible emissions..	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8550.....Standard for fugitive/dust emissions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8580.....Compliance.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8590.....Compliance schedule.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8600.....Test methods and procedures...	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8610.....Monitoring.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8620.....Notification, records, and reporting.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8630.....Registration.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8650.....Permits.....	02/01/16	10/21/16, 81 FR 72711	Added.

Article 58 Emission Standards for Miscellaneous Industrial Adhesive Application Processes in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)

5-40-8660.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8670.....	Definitions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8680.....	Standard for volatile organic compounds.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8690.....	Standard for visible emissions..	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8700.....	Standard for fugitive/dust emissions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8730.....	Compliance.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8740.....	Compliance schedule.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8750.....	Test methods and procedures...	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8760.....	Monitoring.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8770.....	Notification, records, and reporting.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8780.....	Registration.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8800.....	Permits.....	02/01/16	10/21/16, 81 FR 72711	Added.

Article 59 Emission Standards for Miscellaneous Metal Parts and Products Coating Application Systems in the Northern Virginia Volatile Organic Compound Emissions Control Area, 8-hour Ozone Standard (Rule 4-58)

5-40-8810.....	Applicability and Designation of Affected Facility.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8820.....	Definitions.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8830.....	Standard for volatile organic compounds.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8840.....	Standard for visible emissions..	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8850.....	Standard for fugitive/dust emissions.....	02/01/16	10/21/16, 81 FR 72711	Added.

5-40-8880.....Compliance.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8890.....Compliance schedule.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8900.....Test methods and procedures...	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8910.....Monitoring.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8920.....Notification, records, and reporting.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8930.....Registration.....	02/01/16	10/21/16, 81 FR 72711	Added.
5-40-8950.....Permits.....	02/01/16	10/21/16, 81 FR 72711	Added.

9 VAC 5, Chapter 45 Consumer and Commercial Products (applicable to  
the Northern Virginia and Fredericksburg VOC Emissions Control Areas)

#### Part I Special Provisions

5-45-10.....Applicability.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-20.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-30.....Emission testing.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-40.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-50.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.

#### Part II Emission Standards

##### Article 1 Emission Standards For Portable Fuel Containers And Spouts Manufactured Before August 1, 2010

5-45-60.....Applicability.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-70.....Exemptions.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-80.....Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-90.....Standard for volatile organic compounds.....	10/01/13	08/04/15	Amended.

5-45-100.....Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-110.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-120.....Compliance schedules.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-130.....Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-140.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-150.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.

Article 2 Emission Standards For Portable Fuel Containers And Spouts Manufactured On Or After August 1, 2010

5-45-160.....Applicability.....	10/01/13	08/04/15, 80 FR 46202	Revision extends the applicability to include the Richmond VOC Emissions Control Area.
5-45-170.....Exemptions.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-180.....Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-190.....Standard for volatile organic compounds.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-200.....Certification procedures.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-210.....Innovative products.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-220.....Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-230.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-240.....Compliance schedules.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-250.....Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-260.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.

5-45-270.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.
Article 3 Emission Standards For Consumer Products Manufactured Before August 1, 2010			
5-45-280.....Applicability.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-290.....Exemptions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-300.....Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-310.....Standard for volatile organic compounds.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-320.....Alternative control plan (ACP) for consumer products.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-330.....Innovative products.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-340.....Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-350.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-360.....Compliance schedules.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-370.....Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-380.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-390.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.
Article 4 Emission Standards For Consumer Products Manufactured On or After August 1, 2010			
5-45-400.....Applicability.....	10/01/13	08/04/15, 80 FR 46202	Revision extends the applicability to include the Richmond VOC Emissions Control Area.
5-45-410.....Exemptions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-420.....Definitions.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-430.....Standard for volatile organic compounds.....	10/01/13	08/04/15, 80 FR 46202	Amended.

5-45-440.....	Alternative control plan (ACP) for consumer products.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-450.....	Innovative products.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-460.....	Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-470.....	Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-480.....	Compliance schedules.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-490.....	Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-500.....	Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-510.....	Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.

Article 5 Emission Standards For Architectural And Industrial Maintenance Coatings

5-45-520.....	Applicability.....	10/01/13	08/04/15, 80 FR 46202	Revision extends the applicability to include the Richmond VOC Emissions Control Area.
5-45-530.....	Exemptions.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-540.....	Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-550.....	Standard for volatile organic compounds.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-560.....	Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-570.....	Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-580.....	Compliance schedules.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-590.....	Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-600.....	Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.

5-45-610.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.
Article 6 Emission Standards For Adhesives And Sealants			
5-45-620.....Applicability.....	10/01/13	08/04/15, 80 FR 46202	Revision extends the applicability to include the Richmond VOC Emissions Control Area.
5-45-630.....Exemptions.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-640.....Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-650.....Standard for volatile organic compounds.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-660.....Control technology guidelines..	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-670.....Standard for visible emissions..	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-680.....Administrative requirements....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-690.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-700.....Compliance schedules.....	10/01/13	08/04/15, 80 FR 46202	Amended.
5-45-710.....Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-720.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-730.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-740.....Registration.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-750.....Facility and control equipment maintenance or malfunction....	3/17/10	1/26/2012, 77 FR 3928	Added.

Article 7 Emission Standards For Asphalt Paving Operations

5-45-760.....Applicability.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-770.....Definitions.....	3/17/10	1/26/2012, 77 FR 3928	Added.

5-45-780.....Standard for volatile organic compounds.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-790.....Standard for visible emissions..	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-800.....Standard for fugitive dust/ emissions.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-820.....Compliance.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-830.....Test methods and procedures...	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-840.....Monitoring.....	3/17/10	1/26/2012, 77 FR 3928	Added.
5-45-850.....Notification, records and reporting.....	3/17/10	1/26/2012, 77 FR 3928	Added.

9 VAC 5, Chapter 50 New and Modified Stationary Sources [Part V]

Part I Special Provisions

5-50-10.....Applicability.....	8/1/02	3/15/04, 69 FR 12074	
5-50-20.....Compliance.....	12/12/07	2/24/10, 75 FR 8249	Revisions to paragraph A.3 .
5-50-30.....Performance Testing.....	8/1/02	3/15/04, 69 FR 12074	
5-50-40.....Monitoring.....	8/1/02	3/15/04, 69 FR 12074	
5-50-50.....Notification, Records and Reporting.....	8/1/02	3/15/04, 69 FR 12074	

Part II Emission Standards

Article 1 Standards of Performance for Visible Emissions and Fugitive Dust/Emissions (Rule 5-1)

5-50-60.....Applicability and Designation of Affected Facility.....	4/17/95	4/21/00, 65 FR 21315	120-05-0101.
5-50-70.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-05-0102.
5-50-80.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-05-0103.
5-50-90.....Standard for Fugitive Dust/ Emissions.....	2/1/03	4/29/05, 70 FR 22263	

5-50-100.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-05-0105.
5-50-110.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-05-0106.
5-50-120.....Waivers.....	2/1/03	4/29/05, 70 FR 22263	

Article 4 Standards of Performance for Stationary Sources (Rule 5-4)

5-50-240.....Applicability and designation of affected facility.....	11/7/12	8/22/16, 81 FR 56511	Paragraphs A and C are revised.
5-50-250.....Definitions.....	11/7/12	8/22/16, 81 FR 56511	Paragraphs A-C are revised.
5-50-260.....Standards for stationary sources.....	11/7/12	8/22/16, 81 FR 56511	Paragraphs A-D are revised.
5-50-270.....Standard for Major Stationary Sources (Nonattainment Areas).....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-50-280.....Standard for Stationary Sources (Prevention of Significant Deterioration Areas).....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-50-290.....Standard for Visible Emissions.	4/17/95	4/21/00, 65 FR 21315	120-05-0406.
5-50-300.....Standard for Fugitive Dust/ Emissions.....	4/17/95	4/21/00, 65 FR 21315	120-05-0407.
5-50-330.....Compliance.....	4/17/95	4/21/00, 65 FR 21315	120-05-0410.
5-50-340.....Test Methods and Procedures..	4/17/95	4/21/00, 65 FR 21315	120-05-0411.
5-50-350.....Monitoring.....	4/17/95	4/21/00, 65 FR 21315	120-05-0412.
5-50-360.....Notification, Records and Reporting.....	4/17/95	4/21/00, 65 FR 21315	120-05-0413.
5-50-370.....Registration.....	4/17/95	4/21/00, 65 FR 21315	120-05-0414.
5-50-380.....Facility and Control Equipment Maintenance or Malfunction.....	4/17/95	4/21/00, 65 FR 21315	120-05-0415.
5-50-390.....Permits.....	4/17/95	4/21/00, 65 FR 21315	120-05-0416.

9 VAC 5, Chapter 70 Air Pollution Episode Prevention [Part VII]

5-70-10.....Applicability.....	4/17/95	4/21/00, 65 FR 21315	120-07-01.
5-70-20.....Definitions.....	4/17/95	4/21/00, 65 FR 21315	120-07-02.
5-70-30.....General.....	4/17/95	4/21/00, 65 FR 21315	120-07-03.
5-70-40.....Episode Determination.....	4/1/99	10/19/00 65 FR 62626	References to TSP have been removed.
5-70-50.....Standby Emission Reduction Plans.....	4/17/95	4/21/00, 65 FR 21315	120-07-05.
5-70-60.....Control Requirements.....	4/17/95	4/21/00, 65 FR 21315	120-07-06.
5-70-70.....Local Air Pollution Control Agency Participation.....	4/17/95	4/21/00, 65 FR 21315	120-07-07.

Article 5 State Operating Permits

5-80-800.....Applicability.....	4/1/98	6/27/03, 68 FR 38191
5-80-810.....Definitions.....	4/1/98	6/27/03, 68 FR 38191
5-80-820.....General.....	4/1/98	6/27/03, 68 FR 38191
5-80-830.....Applications.....	4/1/98	6/27/03, 68 FR 38191
5-80-840.....Application information required.....	4/1/98	6/27/03, 68 FR 38191
5-80-850.....Standards and conditions for granting Permits.....	4/1/98	6/27/03, 68 FR 38191
5-80-860.....Action on permit application....	4/1/98	6/27/03, 68 FR 38191
5-80-870.....Application review and analysis.....	4/1/98	6/27/03, 68 FR 38191
5-80-880.....Compliance determination and verification by testing.....	4/1/98	6/27/03, 68 FR 38191
5-80-890.....Monitoring requirements.....	4/1/98	6/27/03, 68 FR 38191

5-80-900.....Reporting requirements.....	4/1/98	6/27/03, 68 FR 38191
5-80-910.....Existence of permits no defense	4/1/98	6/27/03, 68 FR 38191
5-80-920.....Circumvention.....	4/1/98	6/27/03, 68 FR 38191
5-80-930.....Compliance with local zoning requirements.....	4/1/98	6/27/03, 68 FR 38191
5-80-940.....Transfer of Permits.....	4/1/98	6/27/03, 68 FR 38191
5-80-950.....Termination of Permits.....	4/1/98	6/27/03, 68 FR 38191
5-80-960.....Changes to Permits.....	4/1/98	6/27/03, 68 FR 38191
5-80-970.....Administrative permit amendments.....	4/1/98	6/27/03, 68 FR 38191
5-80-980.....Minor permit amendments.....	4/1/98	6/27/03, 68 FR 38191
5-80-990.....Significant permit amendments	4/1/98	6/27/03, 68 FR 38191
5-80-1000.....Reopening for cause.....	4/1/98	6/27/03, 68 FR 38191
5-80-1010.....Enforcement.....	4/1/98	6/27/03, 68 FR 38191
5-80-1020.....Public participation.....	4/1/98	6/27/03, 68 FR 38191
5-80-1030.....General Permits.....	4/1/98	6/27/03, 68 FR 38191
5-80-1040.....Review and evaluation of article.....	4/1/98	6/27/03, 68 FR 38191

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Article 6—Permits for New and Modified Stationary Sources

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5-80-1100.....Applicability.....	11/7/12	8/22/16, 81 FR 56511	
5-80-1105.....Permit Exemptions.....	11/7/12	8/22/16, 81 FR 56511	Paragraph E is excluded.
5-80-1110.....Definitions.....	11/7/12	8/22/16, 81 FR 56511	The definition at paragraph 5 under “Regulated air pollutant,” and

the definition  
 of “Toxic  
 pollutant” are  
 excluded.

5-80-1120.....General.....	11/7/12	8/22/16, 81 FR 56511	
5-80-1130.....Reserved.....			Excluded from SIP.
5-80-1140.....Applications.....	11/7/12	8/22/16, 81 FR 56511	
5-80-1150.....Application information required.....	11/7/12	8/22/16, 81 FR 56511	
5-80-1160.....Action on permit application....	11/7/12	8/22/16, 81 FR 56511	The latter portion of paragraph D (beginning with “... direct consideration by the board . . .”) is excluded.
5-80-1170.....Public participation.....	11/7/12	8/22/16, 81 FR 56511	Paragraphs F and G are excluded. See § 52.2423(o).
5-80-1180.....Standards and conditions for granting permits.....	11/7/12	8/22/16, 81 FR 56511	The portion of paragraph A.1 pertaining to hazardous air pollutant sources as proscribed under 9VAC5-60 is excluded.
5-80-1190.....Application review and analysis.....	11/7/12	8/22/16, 81 FR 56511	Paragraph 2 is excluded.
5-80-1200.....Compliance determination and verification by performance testing.....	11/7/12	8/22/16, 81 FR 56511	
5-80-1210.....Permit invalidation, suspension, revocation and enforcement.....	11/7/12	8/22/16, 81 FR 56511	Paragraph B is excluded.
5-80-1220.....Existence of permit no defense.	11/7/12	8/22/16, 81 FR 56511	
5-80-1230.....Compliance with local zoning...	11/7/12	8/22/16, 81 FR 56511	

5-80-1240.....Transfer of permits.....	11/7/12	8/22/16, 81 FR 56511
5-80-1250.....General permits.....	11/7/12	8/22/16, 81 FR 56511
5-80-1260.....Action to combine permit terms and conditions.....	11/7/12	8/22/16, 81 FR 56511
5-80-1270.....Actions to change permits.....	11/7/12	8/22/16, 81 FR 56511
5-80-1280.....Administrative permit amendments.....	11/7/12	8/22/16, 81 FR 56511
5-80-1290.....Minor permit amendments.....	11/7/12	8/22/16, 81 FR 56511
5-80-1300.....Significant amendment procedures.....	11/7/12	8/22/16, 81 FR 56511

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Article 6—Permits for New and Modified Stationary Sources

5-80-1110.....Definitions.....	3/27/14	8/23/16, 81 FR 57468
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Article 8 Permits—Major Stationary Sources and Major Modifications Located in Prevention of Significant Deterioration Areas

5-80-1605.....Applicability.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1615.....Definitions.....	8/13/15	8/28/17, 82 FR 40707	
5-80-1625.....General.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1635.....Ambient Air Increments.....	8/17/11	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1645.....Ambient Air Ceilings.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1655.....Applications.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1665.....Compliance with local zoning requirements.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.

5-80-1675.....	Compliance determination and verification by performance testing.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1685.....	Stack Heights.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1695.....	Exemptions.....	6/4/14	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1705.....	Control technology review.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1715.....	Source impact analysis.....	6/4/14	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1725.....	Air quality models.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1735.....	Air quality analysis.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1745.....	Source Information.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1755.....	Additional impact analysis.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1765.....	Sources affecting Federal class I areas—additional requirements.....	8/17/11	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1775.....	Public participation.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1785.....	Source obligation.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1795.....	Environmental impact statements.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1805.....	Disputed permits.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.

5-80-1815.....Interstate pollution abatement.	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1825.....Innovative control technology..	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1865.....Actuals plantwide applicability (PAL).....	8/13/15	8/28/17, 82 FR 40707	
5-80-1915.....Actions to combine permit terms and conditions.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1925.....Actions to change permits.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1935.....Administrative permit amendments.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1945.....Minor permit amendments.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1955.....Significant amendment procedures.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1965.....Reopening for cause.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1975.....Transfer of permits.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1985.....Permit invalidation, revocation, and enforcement....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-1995.....Existence of permit no defense.	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.

Article 9 PermitsMajor Stationary Sources and Major Modifications Located in Nonattainment Areas or the Ozone Transport Region

5-80-2000.....Applicability.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.
		9/1/06

5-80-2010.....Definitions.....	8/13/15	8/28/17, 82 FR 40707	Paragraph C is revised, except that under subdivision b of the definition of “baseline actual emissions,” the sentence stating, “The board shall allow the use of another time period upon a determination that it is more representative of normal source operation,” is not in the SIP.
5-80-2020.....General.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
5-80-2030.....Applications.....	5/1/02	8/28/17, 82 FR 40707— D Previous approval 10/22/08.	9/1/06
5-80-2040.....Application information required.....	5/1/02	8/28/17, 82 FR 40707— D Previous approval 10/22/08.	9/1/06
5-80-2050.....Standards and conditions for granting permits.....	5/1/02	8/28/17, 82 FR 40707— D Previous approval 10/22/08.	9/1/06
5-80-2060.....Action on permit application....	5/1/02	8/28/17, 82 FR 40707— D Previous approval 10/22/08.	9/1/06
5-80-2070.....Public participation.....	5/1/02	8/28/17, 82 FR 40707— D Previous	

			approval 10/22/08.
	9/1/06		
5-80-2080.....Compliance determination and verification by performance testing.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/1/06		
5-80-2090.....Application review and analysis.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2091.....Source obligation.....	9/1/06	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2110.....Interstate Pollution Abatement	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2120.....Offsets.....	8/17/11	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2130.....De minimis increases and stationary source modification alternatives for ozone nonattainment areas classified as serious or severe in 9 VAC 5-20-204.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2140.....Exemptions.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2144.....Actuals plantwide applicability limits (PALs).....	8/13/15	8/28/17, 82 FR 40707	
	9/01/06		
5-80-2150.....Compliance with local zoning requirements.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	

	9/01/06		
5-80-2170.....Transfer of permits.....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2180.....Permit invalidation, revocation, and enforcement....	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2190.....Existence of permit no defense.	5/1/02	8/28/17, 82 FR 40707 — D Previous approval 10/22/08.	
	9/01/06		
5-80-2195.....Actins to combine permit terms and conditions.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2200.....Actions to change permits.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2210.....Administrative permit amendments.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2220.....Minor permit amendments.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2230.....Significant amendment procedures.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.
	9/01/06		
5-80-2240.....Reopening for cause.....	7/23/09	8/28/17, 82 FR 40707	Previous approval 10/22/08.

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9 VAC 5, Chapter 85 Permits for Stationary Sources of Pollutants Subject to Regulation

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Part I Applicability

5-85-10.....Applicability.....	1/2/11	5/13/11, 76 FR 27898
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Part III Prevention of Significant Deterioration Permit Actions

5-85-40.....	Prevention of Significant Deterioration Area Permit Actions.....	03/13/14	11/23/15, 80 FR 72905
5-85-50.....	Definitions.....	8/13/15	8/28/17, 82 FR 40707
5-85-55.....	Actuals Plantwide applicability limits (PALs).....	8/13/15	8/28/17, 82 FR 40707

Part IV State Operating Permit Actions

5-85-60.....	State Operating Permit Actions	1/2/11	5/13/11, 76 FR 27898
5-85-70.....	Definitions.....	1/2/11	5/13/11, 76 FR 27898

9 VAC 5, Chapter 91 Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area

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Part I Definitions

5-91-10.....	General.....	1/24/97	9/1/99, 64 FR 47670
5-91-20.....	Terms defined.....	1/24/97	9/1/99, 64 FR 47670
.....	.....	6/29/05	Exception —“Northern Virginia program area” does not include Fauquier County, Effective 1/1/98.

Part II General Provisions

5-91-30.....	Applicability and authority of the department.....	10/1/02	4/22/08, 73 FR 21540
5-91-50.....	Documents incorporated by reference.....	10/1/02	4/22/08, 73 FR 21540
5-91-70.....	Appeal of case decisions.....	10/1/02	4/22/08, 73 FR 21540
5-91-90.....	Right of entry.....	1/24/97	9/1/99, 64 FR 47670
5-91-100.....	Conditions on approvals.....	1/24/97	9/1/99, 64 FR 47670

5-91-120.....	Export and import of motor vehicles.....	10/1/02	4/22/08, 73 FR 21540
5-91-130.....	Relationship of state regulations to Federal regulations.....	1/24/97	9/1/99, 64 FR 47670
5-91-140.....	Delegation of authority.....	1/24/97	9/1/99, 64 FR 47670
5-91-150.....	Availability of information.....	1/24/97	9/1/99, 64 FR 47670

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Part III Emission Standards for Motor Vehicle Air Pollution

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5-91-160.....	Exhaust emission standards for two-speed idle testing in enhanced emissions inspection programs.....	6/29/05	4/22/08, 73 FR 21540
5-91-170.....	Exhaust emission standards for ASM testing in enhanced emissions inspection programs.	10/1/02	4/22/08, 73 FR 21540
5-91-180.....	Exhaust emission standards for on-road testing through remote sensing.....	6/29/05	4/22/08, 73 FR 21540
5-91-190.....	Emissions control system standards.....	10/1/02	4/22/08, 73 FR 21540
5-91-200.....	Evaporative emissions standards.....	10/1/02	4/22/08, 73 FR 21540
5-91-210.....	Visible emissions standards.....	10/1/02	4/22/08, 73 FR 21540

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Part IV Permitting and Operation of Emissions Inspection Stations

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5-91-220.....	General provisions.....	10/1/02	4/22/08, 73 FR 21540
5-91-230.....	Applications.....	10/1/02	4/22/08, 73 FR 21540
5-91-240.....	Standards and conditions for permits.....	1/27/97	9/1/99, 64 FR 47670
5-91-250.....	Action on permit application....	1/27/97	9/1/99, 64 FR 47670
5-91-260.....	Emissions inspection station permits, categories.....	10/1/02	4/22/08, 73 FR 21540
5-91-270.....	Permit renewals.....	10/1/02	4/22/08, 73 FR 21540

5-91-280.....	Permit revocation, surrender of materials.....	1/24/97	9/1/99, 64 FR 47670
5-91-290.....	Emissions inspection station operations.....	10/1/02	4/22/08, 73 FR 21540
5-91-300.....	Emissions inspection station records.....	10/1/02	4/22/08, 73 FR 21540
5-91-310.....	Sign and permit posting.....	10/1/02	4/22/08, 73 FR 21540
5-91-320.....	Equipment and facility requirements.....	10/1/02	4/22/08, 73 FR 21540
5-91-330.....	Analyzer system operation.....	10/1/02	4/22/08, 73 FR 21540
5-91-340.....	Motor vehicle inspection report; certificate of emissions inspection.....	10/1/02	4/22/08, 73 FR 21540
5-91-350.....	Data media.....	1/24/97	9/1/99, 64 FR 47670
5-91-360.....	Inspector identification number and access code usage..	10/1/02	4/22/08, 73 FR 21540
5-91-370.....	Fleet emissions inspection stations; mobile fleet inspection stations.....	10/1/02	4/22/08, 73 FR 21540

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Part V Emissions Inspector Testing and Licensing

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5-91-380.....	Emissions inspector licenses and renewals.....	10/21/02	4/22/08, 73 FR 21540
5-91-390.....	Qualification requirements for emissions inspector licenses.....	1/24/97	9/1/99, 64 FR 47670
5-91-400.....	Conduct of emissions inspectors.....	1/24/97	9/1/99, 64 FR 47670

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Part VI Inspection Procedures

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5-91-410.....	General.....	10/1/02	4/22/08, 73 FR 21540
5-91-420.....	Inspection procedure; rejection, pass, fail, waiver.....	10/1/02	4/22/08, 73 FR 21540
5-91-430.....	ASM test procedure.....	10/1/02	4/22/08, 73 FR 21540
5-91-440.....	Two-speed idle test procedure..	10/1/02	4/22/08, 73 FR 21540

5-91-450.....	Evaporative system pressure test and gas cap pressure test procedure.....	10/1/02	4/22/08, 73 FR 21540	Retitled and amended.
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5-91-480.....	Emissions related repairs.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-490.....	Engine and fuel changes.....	10/1/02	4/22/08, 73 FR 21540	
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Part VII Vehicle Emissions Repair Facility Certification

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5-91-500.....	Applicability and authority.....	10/1/02	4/22/08, 73 FR 21540	
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5-90-510.....	Certification qualifications.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-520.....	Expiration, reinstatement, renewal, and requalification.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-530.....	Emissions and repair facility operations.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-540.....	Sign and certificate posting.....	10/1/02	4/22/08, 73 FR 21540	Retitled and amended.
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Part VIII Emissions Repair Technician Certification and Responsibilities

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5-91-550.....	Applicability and authority.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-560.....	Certification qualifications for emissions repair technicians.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-570.....	Expiration, reinstatement, renewal and requalification.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-580.....	Certified emissions repair technician responsibilities.....	10/1/02	4/22/08, 73 FR 21540	
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Part IX Enforcement Procedures

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5-91-590.....	Enforcement of regulations, permits, licenses, certifications and orders.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-600.....	General enforcement process....	10/1/02	4/22/08, 73 FR 21540	
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5-91-610.....	Consent orders and penalties for violations.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-620.....	Major violations.....	10/1/02	4/22/08, 73 FR 21540	
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5-91-630.....	Minor violations.....	4/2/97	9/1/99, 64 FR 47670
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**Part X Analyzer System Certification and Specifications for Enhanced Emissions Inspections Programs**

5-91-640.....	Applicability.....	1/24/97	9/1/99, 64 FR 47670
5-91-650.....	Design goals.....	10/1/02	4/22/08, 73 FR 21540
5-91-660.....	Warranty; service contract.....	10/1/02	4/22/08, 73 FR 21540
5-91-670.....	Owner-provided services.....	10/1/02	4/22/08, 73 FR 21540
5-91-680.....	Certification of analyzer systems.....	10/1/02	4/22/08, 73 FR 21540
5-91-690.....	Span gases; gases for calibration purposes.....	10/1/02	4/22/08, 73 FR 21540
5-91-700.....	Calibration of exhaust gas analyzers.....	10/1/02	4/22/08, 73 FR 21540
5-91-710.....	Upgrade of analyzer system.....	10/1/02	4/22/08, 73 FR 21540

**Part XI Manufacturer Recall**

5-91-720.....	Vehicle manufacturers recall.....	10/1/02	4/22/08, 73 FR 21540
5-91-730.....	Exemptions; temporary extensions.....	1/24/97	9/1/99, 64 FR 47670

**Part XII On-Road Testing**

5-91-740.....	General requirements.....	6/29/05	4/22/08, 73 FR 21540
5-91-750.....	Operating procedures; violation of standards.....	6/29/05	4/22/08, 73 FR 21540
5-91-760.....	Schedule of civil charges.....	6/29/05	4/22/08, 73 FR 21540

**Part XIV ASM Exhaust Emission Standards**

5-91-790.....	ASM start-up standards.....	10/1/02	4/22/08, 73 FR 21540
5-91-800.....	ASM final standards.....	10/1/02	4/22/08, 73 FR 21540

9 VAC 5, Chapter 130 Regulations for Open Burning [Formerly 9VAC5 Chapter 40, Part II, Article 40]

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Part I General Provisions

5-130-10.....Applicability.....	3/18/09	3/14/11, 76 FR 13511	Formerly 5-40-5600.
5-130-20.....Definitions.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-130-30.....Open Burning Prohibitions.....	3/18/09	3/14/11, 76 FR 13511	Formerly 5-40-5620.
5-130-40.....Permissible open burning.....	8/17/11	6/1/12 by Letter Notice	The SIP effective date is 6/1/12.
5-130-50.....Forest Management and Agricultural Practices.....	3/18/09	3/14/11, 76 FR 13511	Formerly 5-40-5631.

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9 VAC 5, Chapter 140 Regulations for Emissions Trading Programs

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Part I NO<sub>X</sub> Budget Trading Program

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Article 1 NO<sub>X</sub> Budget Trading Program General Provisions

5-140-10.....Purpose.....	7/17/02	7/8/03, 68 FR 40520
5-140-20.....Definitions.....	7/17/02	7/8/03, 68 FR 40520
5-140-30.....Measurements, abbreviations, and acronyms.....	7/17/02	7/8/03, 68 FR 40520
5-140-31.....Federal Regulations Incorporated by reference.....	7/17/02	7/8/03, 68 FR 40520
5-140-40.....Applicability.....	7/17/02	7/8/03, 68 FR 40520
5-140-50.....Retired unit exemption.....	7/17/02	7/8/03, 68 FR 40520
5-140-60.....Standard requirements.....	7/17/02	7/8/03, 68 FR 40520
5-140-70.....Computation of time.....	7/17/02	7/8/03, 68 FR 40520

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Article 2 NO<sub>X</sub> Authorized Account Representative for NO<sub>X</sub> Budget Sources

5-140-100.....Authorization and responsibilities of the NO <sub>X</sub> authorized account representative.....	7/17/02	7/8/03, 68 FR 40520
5-140-110.....Alternate NO <sub>X</sub> authorized account representative.....	7/17/02	7/8/03, 68 FR 40520

5-140-120.....	Changing the NO <sub>X</sub> authorized account representative and alternate NO <sub>X</sub> authorized account representative; changes in the owners and operators.....	7/17/02	7/8/03, 68 FR 40520
5-140-130.....	Account certificate of representation.....	7/17/02	7/8/03, 68 FR 40520
5-140-140.....	Objections concerning the NO <sub>X</sub> authorized account representative.....	7/17/02	7/8/03, 68 FR 40520

Article 3 Permits

5-140-200.....	General NO <sub>X</sub> Budget permit requirements.....	7/17/02	7/8/03, 68 FR 40520
5-140-210.....	Submission of NO <sub>X</sub> Budget permit applications.....	7/17/02	7/8/03, 68 FR 40520
5-140-220.....	Information requirements for NO <sub>X</sub> Budget permit applications.....	7/17/02	7/8/03, 68 FR 40520
5-140-230.....	NO <sub>X</sub> Budget permit contents....	7/17/02	7/8/03, 68 FR 40520
5-140-240.....	Effective date of initial NO <sub>X</sub> Budget permit.....	7/17/02	7/8/03, 68 FR 40520
5-140-250.....	NO <sub>X</sub> Budget permit revisions...	7/17/02	7/8/03, 68 FR 40520

Article 4 Compliance Certification

5-140-300.....	Compliance certification report	7/17/02	7/8/03, 68 FR 40520
5-140-310.....	Permitting authority's and administrator's action on compliance certifications.....	7/17/02	7/8/03, 68 FR 40520

Article 5 NO<sub>X</sub> Allowance Allocations

5-140-400.....	State trading program budget...	7/17/02	7/8/03, 68 FR 40520
5-140-410.....	Timing requirements for NO <sub>X</sub> allowance allocations.....	7/17/02	7/8/03, 68 FR 40520
5-140-420.....	NO <sub>X</sub> allowance allocations.....	7/17/02	7/8/03, 68 FR 40520
5-140-430.....	Compliance Supplement Pool..	7/17/02	7/8/03, 68 FR 40520

Article 6 NO<sub>X</sub> Allowance Tracking System

5-140-500.....	NO <sub>X</sub> Allowance Tracking System accounts.....	7/17/02	7/8/03, 68 FR 40520
5-140-510.....	Establishment of accounts.....	7/17/02	7/8/03, 68 FR 40520
5-140-520.....	NO <sub>X</sub> Allowance Tracking System responsibilities of NO <sub>X</sub> authorized account representative.....	7/17/02	7/8/03, 68 FR 40520
5-140-530.....	Recordation of NO <sub>X</sub> allowance allocations.....	7/17/02	7/8/03, 68 FR 40520
5-140-540.....	Compliance.....	7/17/02	7/8/03, 68 FR 40520
5-140-550.....	Banking.....	3/24/04	8/25/04, 69 FR 52174
5-140-560.....	Account error.....	7/17/02	7/8/03, 68 FR 40520
5-140-570.....	Closing of general accounts.....	7/17/02	7/8/03, 68 FR 40520

Article 7 NO<sub>X</sub> Allowance Transfers

5-140-600.....	Scope and submission of NO <sub>X</sub> allowance transfers.....	7/17/02	7/8/03, 68 FR 40520
5-140-610.....	EPA recordation.....	7/17/02	7/8/03, 68 FR 40520
5-140-620.....	Notification.....	7/17/02	7/8/03, 68 FR 40520

Article 8 Monitoring and Reporting

5-140-700.....	General Requirements.....	7/17/02	7/8/03, 68 FR 40520
5-140-710.....	Initial certification and recertification procedures.....	7/17/02	7/8/03, 68 FR 40520
5-140-720.....	Out of control periods.....	7/17/02	7/8/03, 68 FR 40520
5-140-730.....	Notifications.....	7/17/02	7/8/03, 68 FR 40520
5-140-740.....	Recordkeeping and reporting...	7/17/02	7/8/03, 68 FR 40520

5-140-750.....Petitions.....	7/17/02	7/8/03, 68 FR 40520	
5-140-760.....Additional requirements to provide heat input data for allocation purposes.....	7/17/02	7/8/03, 68 FR 40520	
Article 9 Individual Unit Opt-ins			
5-140-800.....Applicability.....	7/17/02	7/8/03, 68 FR 40520	
5-140-810.....General.....	7/17/02	7/8/03, 68 FR 40520	
5-140-820.....NO <sub>x</sub> authorized account representative.....	7/17/02	7/8/03, 68 FR 40520	
5-140-830.....Applying for NO <sub>x</sub> Budget opt-in permit.....	7/17/02	7/8/03, 68 FR 40520	
5-140-840.....Opt-in process.....	7/17/02	7/8/03, 68 FR 40520	
5-140-850.....NO <sub>x</sub> Budget opt-in permit contents.....	7/17/02	7/8/03, 68 FR 40520	
5-140-860.....Withdrawal from NO <sub>x</sub> Budget Trading Program.....	7/17/02	7/8/03, 68 FR 40520	
5-140-870.....Change in regulatory status.....	7/17/02	7/8/03, 68 FR 40520	
5-140-880.....NO <sub>x</sub> allowance allocations to opt-in units.....	7/17/02	7/8/03, 68 FR 40520	
Article 10 State Trading Program Budget and Compliance Pool			
5-140-900.....State trading program budget...	12/31/08	11/7/11, 76 FR 68638	Revise applicable year to 2004 and each year thereafter.
5-140-910.....Compliance supplement pool budget.....	7/17/02	7/8/03, 68 FR 40520	
5-140-920.....Total electric generating unit allocations.....	12/31/08	11/7/11, 76 FR 68638	Add subsection B, which extends the NO <sub>x</sub> budget beyond 2008.
5-140-930.....Total non-electric generating unit allocations.....	12/31/08	11/7/11, 76 FR 68638	Add subsection B, which extends the NO <sub>x</sub> budget beyond 2008.

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Part I General Definitions

5-151-10.....Definitions.....	12/31/08	11/20/09, 74 FR 60194	
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Part II General Provisions

5-151-20.....Applicability.....	11/16/16	2/22/18, 83 FR 7613	Subdivision B. is amended to address revoked federal standards.
			Previous approval 11/20/09.
5-151-30.....Authority of Board and DEQ..	12/31/08	11/20/09, 74 FR 60194	

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Part III Criteria and Procedures for Making Conformity Determinations

5-151-40.....General.....	8/15/12	4/1/13, 78 FR 19421	
5-151-50.....Designated provisions.....	12/31/08	11/20/09, 74 FR 60194	
5-151-60.....Word or phrase substitutions...	12/31/08	11/20/09, 74 FR 60194	
5-151-70.....Consultation.....	8/15/12	4/1/13, 78 FR 19421	Section D.1.f. is amended.

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9 VAC 5, Chapter 160 General Conformity

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Part I General Definitions

5-160-10.....General.....	1/1/98	1/7/03, 68 FR 663	
5-160-20.....Terms defined.....	3/2/11	12/12/11, 76 FR 77150	Number of terms added—10.
			Number of terms revised—11.
			Number of Terms deleted— 2.

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Part II General Provisions

5-160-30.....Applicability.....	11/16/16	2/22/18, 83 FR 7613	Subdivision A. is amended to address
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revoked federal standards.

Previous approval  
12/12/11.

5-160-40.....Authority of board and department.....	1/1/97	10/21/97, 62 FR 54585
5-160-80.....Relationship of state regulations to Federal regulations.....	1/1/97	10/21/97, 62 FR 54585

Part III Criteria and Procedures for Making Conformity Determinations

5-160-110.....General.....	3/2/11	12/12/2011, 76 FR 77150
5-160-120.....Federal agency conformity responsibility.....	3/2/11	12/12/11, 76 FR 77150
5-160-130.....Reporting requirements.....	3/2/11	12/12/11, 76 FR 77150
5-160-140.....Public participation.....	3/2/11	12/12/11, 76 FR 77150
5-160-150.....Reevaluation of conformity.....	3/2/11	12/12/11, 76 FR 77150
5-160-160.....Criteria for determining conformity of general conformity actions.....	3/2/11	12/12/11, 76 FR 77150
5-160-170.....Procedures for conformity determinations.....	3/2/11	12/12/11, 76 FR 77150
5-160-180.....Mitigation of air quality impacts.....	3/2/11	12/12/11, 76 FR 77150
5-160-181.....Conformity evaluation for federal installations with facility-wide emission budgets..	3/2/11	12/12/11, 76 FR 77150
5-160-182.....Emissions beyond the time period covered by the applicable implementation plan	3/2/11	12/12/11, 76 FR 77150
5-160-183.....Timing of offsets and mitigation measures.....	3/2/11	12/12/11, 76 FR 77150
5-160-184.....Inter-precursor mitigation measures and offsets.....	3/2/11	12/12/11, 76 FR 77150
5-160-185.....Early emission reduction credit programs at federal facilities	3/2/11	12/12/11, 76 FR 77150

and installation subject to  
 federal oversight.....

5-160-190.....	Savings provision.....	1/1/97	10/21/97, 62 FR 54585
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9 VAC 5, Chapter 170 Regulation for General Administration

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Part I Definitions

5-170-10.....	Use of Terms.....	1/1/98	1/7/03, 68 FR 663	Split out from 9 VAC 5-10-10.
5-170-20.....	Terms Defined.....	11/19/14	4/2/15, 80 FR 17695	Docket #2015-0040. Revised to add the terms disclosure form and potential conflict of interest.

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Part II General Provisions

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5-170-30.....	Applicability.....	1/1/98	1/7/03, 68 FR 663	Split out from 9 VAC 5-20-10.
5-170-60.....	Availability of Information.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-150 and 5-160-100.

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Part V Enforcement

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5-170-120A.-C.....	Enforcement of Regulations, Permits and Orders.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-30A. D. and 5-160-60.
5-170-130A.....	Right of Entry.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-100.

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Part VI Board Actions

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5-170-150.....	Local Ordinances.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-60.
5-170-160.....	Conditions on Approvals.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-110.
5-170-170.....	Considerations for Approval Actions.....	1/1/98	1/7/03, 68 FR 663	Replaces 9 VAC 5-20-140.

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Part IX Conflict of Interest

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5-170-210.....	General.....	11/19/14	4/25/15, 80 FR 17695	Docket #2015-0040. Does not include subsection B.
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9 VAC 5 Chapter 220 Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility

5-220-10.....	Applicability and designation of affected facility.....	12/1/02	9/4/09, 74 FR 45766
5-220-20.....	Definitions.....	12/1/02	09/4/09, 74 FR 45766
5-220-30.....	Applicability of standard for visible emissions and standard for particulate matter.....	12/1/02	9/4/09, 74 FR 45766
5-220-40.....	Compliance determination, monitoring, recordkeeping, and reporting.....	12/1/02	9/4/09, 74 FR 45766
5-220-50.....	Transfer of ownership.....	12/1/02	9/4/09, 74 FR 45766
5-220-60.....	Applicability of future regulation amendments.....	12/1/02	9/4/09, 74 FR 45766

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9 VAC 5, Chapter 230 Variance for International Paper Franklin Paper Mill

5-230-10.....	Applicability and designation of affected facility.....	9/7/05	8/13/07, 72 FR 45165
5-230-20.....	Definitions.....	9/7/05	8/13/07, 72 FR 45165
5-230-30.....	Authority to operate under this chapter and FESOP.....	9/7/05	8/13/07, 72 FR 45165
5-230-40 (Except A.7., A.9., A.10., and B.2.).....	Sitewide Emissions Caps.....	9/7/05	8/13/07, 72 FR 45165
5-230-50.....	New Source Review program and registration requirements...	9/7/05	8/13/07, 72 FR 45165
5-230-60 (Except A.1.).....	Other regulatory requirements.	9/7/05	8/13/07, 72 FR 45165
5-230-70.....	Federal Operating Permits.....	9/7/05	8/13/07, 72 FR 45165
5-230-80.....	FESOP issuance and amendments.....	9/7/05	8/13/07, 72 FR 45165
5-230-90.....	Transfer of ownership.....	9/7/05	8/13/07, 72 FR 45165
5-230-110.....	Termination of authority to operate under this chapter and FESOP.....	9/7/05	8/13/07, 72 FR 45165

5-230-120.....	Review and confirmation of this chapter by Board.....	9/7/05	8/13/07, 72 FR 45165
2 VAC 5, Chapter 480 Regulation Governing the Oxygenation of Gasoline			
5-480-10.....	Definitions.....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 1.
5-480-20.....	Applicability.....	11/1/96	2/17/00, 65 FR 8051
5-480-30.....	Minimum oxygenate content....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 3.
5-480-40.....	Nature of oxygenates.....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 4.
5-480-50.....	Record keeping and transfer requirements.....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 5.
5-480-60.....	Gasoline pump labeling.....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 6.
5-480-70.....	Sampling, testing and oxygen content calculations.....	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 7.
5-480-80.....	Compliance and enforcement...	11/1/93	1/7/03, 68 FR 663 VR115-04-28, § 8.

Code of Virginia

Section 10.1-1302.....	Qualifications of members of Boards.....	7/1/08	10/11/11, 76 FR 62635	Section added.
Section 10.1-1316.1A. Through Severe ozone nonattainment D.....	areas; fees.....	7/1/04	12/29/04, 69 FR 77909	Provision authorizes the Department of Environmental Quality (DEQ) to collect Federal penalty fees from major stationary sources if the nonattainment area does not attain the ozone standard by the statutory attainment date.

(d) EPA-Approved State Source-Specific Requirements

**EPA-Approved Source Specific Requirements**

Source name	Permit/order or registration number	State effective date	EPA approval date	40 CFR part 52 citation
Norfolk Naval Base-Exchange [NONE].....Service Station.....		8/6/79	8/17/81, 46 FR 41499	52.2465(c)(41).
Reynolds Metals Co.-Rolling Mill.....	DSE-597-87.....	9/30/87	8/20/90, 55 FR 33904	52.2465(c)(92).
Aqualon (Hercules) Company.. 50363.....		9/26/90	11/1/91, 56 FR 56159	52.2465(c)(93).
Nabisco Brands, Inc.....DTE-179-91.....		4/24/91	3/6/92, 57 FR 8080	52.2465(c)(95).
Reynolds Metals Co.-Bellwood .....	50260	10/20/2015	8/26/2016, 81 FR 58857	52.2465(c)(110)
Reynolds Metals Co.- Richmond Foil Plant.....	DSE-412A-86.....	10/31/86	6/13/96, 61 FR 29963	52.2465(c)(110).
Philip Morris, Inc.—Blended Leaf Facility.....	50080	2/27/86	10/14/97, 62 FR 53242	52.2465(c)(120).
Philip Morris, Inc.—Park 500 Facility.....	50722	3/26/97	10/14/97, 62 FR 53242	52.2465(c)(120).
Philip Morris, Inc.—Richmond Manufacturing Center.....	50076	7/13/96	10/14/97, 62 FR 53242	52.2465(c)(120).
Virginia Electric and Power Co.—Innsbrook Technical Center.....	50396	5/30/96	10/14/97, 62 FR 53242	52.2465(c)(120).
Hercules, Inc.—Aqualon Division.....	V-0163-96.....	7/12/96	10/14/97, 62 FR 53242	52.2465(c)(120).
City of Hopewell—Regional Wastewater Treatment Facility	50735	5/30/96	10/14/97, 62 FR 53242	52.2465(c)(120).
Allied Signal, Inc.—Hopewell Plant.....	50232	3/26/97	10/14/97, 62 FR 53242	52.2465(c)(121).
Allied Signal, Inc.— Chesterfield Plant.....	V-0114-96.....	5/20/96	10/14/97, 62 FR 53242	52.2465(c)(121).
Bear Island Paper Co. L.P.....	V-0135-96.....	7/12/96	10/14/97, 62 FR 53242	52.2465(c)(121).
Stone Container Corp.— Hopewell Mill.....	50370	5/30/96	10/14/97, 62 FR 53242	52.2465(c)(121).
E.I. Dupont de Nemours and Co.—Spruance Plant.....	V-0117-96.....	5/30/96	10/14/97, 62 FR 53242	52.2465(c)(121).

ICI Americas Inc.—Films Division—Hopewell Site.....	50418	5/30/96	10/14/97, 62 FR 53242	52.2465(c)(121).
Tuscarora, Inc.....	71814.....	6/5/96	1/22/99, 64 FR 3425	52.2465(c)(128).
Virginia Power (VP)—(Possum Registration No. 70225; Point Generating Station County-Plant No. 153-0002..... [Permit to Operate].....		9/26/00	12/14/00, 65 FR 78100	52.2420(d)(2).
Cellofoam North America, Inc.-Falmouth Plant [Consent Agreement].....	Registration No. 40696;	8/10/98	1/2/01, 66 FR 8.	52.2420(d)(3).
CNG Transmission Corporation-Leesburg Compressor Station [Permit to Operate].....	Registration No. 71978; County-Plant No. 107-0101.....	5/22/00	1/2/01, 66 FR 8.	52.2420(d)(3).
Columbia Gas Transmission Company-Loudoun County Compressor Station [Permit to Operate].....	Registration No. 72265; County-Plant No. 107-0125.....	5/23/00	1/2/01, 66 FR 8.	52.2420(d)(3).
District of Columbia's Department of Corrections- Lorton Correctional Facility [Permit to Operate].....	Registration No. 70028; County-Plant No. 0059-0024....	12/10/99	1/2/01, 66 FR 8.	52.2420(d)(3).
Michigan Cogeneration Systems, Inc.-Fairfax County I-95 Landfill [Permit to Operate].....	Registration No. 71961; County-Plant No. 0059-0575....	5/10/00	1/2/01, 66 FR 8.	52.2420(d)(3)
Metropolitan Washington Airports Authority-Ronald Reagan Washington National Airport [Permit to Operate].....	Registration No. 70005; County-Plant No. 0013-0015....	5/22/00	1/2/01, 66 FR 8.	52.2420(d)(3).
Noman M. Cole, Jr., Pollution Control Plant [Consent Agreement].....	Registration No. 70714.....	12/13/99	1/2/01, 66 FR 8.	52.2420(d)(3).
Ogden Martin Systems of Alexandria/Arlington, Inc. [Consent Agreement].....	Registration No. 71895; NVRO-041-98.....	7/31/98	1/2/01, 66 FR 8.	52.2420(d)(3).
Ogden Martin Systems of Fairfax, Inc. [Consent Agreement].....	Registration No. 71920.....	4/3/98	1/2/01, 66 FR 8.	52.2420(d)(3).
U.S. Department of Defense- Pentagon Reservation [Permit to Operate].....	Registration No. 70030; County-Plant No. 0013-0188....	5/17/00	1/2/01, 66 FR 8.	52.2420(d)(3).
United States Marine Corps.- Quantico Base [Permit to Operate].....	Registration No. 70267; County-Plant No. 153-0010.....	5/24/00	1/2/01, 66 FR 8.	52.2420(d)(3).

Transcontinental Gas Pipeline Registration No. 71958.....	9/5/96	1/2/01, 66 FR 8.	52.2420(d)(3).
Corporation-Compressor Station No.185 [Consent Agreement].....			
U.S. Army Garrison at Fort Registration No. 70550; Belvoir [Permit to Operate].....County-Plant No. 059-0018.....	5/16/00	1/2/01, 66 FR 8.	52.2420(d)(3).
Virginia Power (VP)-Possum Registration No. 70225; Point Generating Station County-Plant No. 153-0002..... [Permit containing NOX RACT requirements].....	7/21/00	1/2/01, 66 FR 8.	52.2420(d)(3).
Virginia Electric and Registration No. 70225..... Power Company-Possum Point Generating Station [Consent Agreement containing VOC RACT requirements].....	6/12/95	1/2/01, 66 FR 8.	52.2420(d)(3).
Washington Gas Light Registration No. 70151; Company-Springfield NVRO-031-98..... Operations Center [Consent Agreement].....	4/3/98	1/2/01, 66 FR 8.	52.2420(d)(3).
Georgia Pacific—Jarratt Registration No. 50253..... Softboard Plant.....	9/28/98	3/26/03, 68 FR 14542	40 CFR 52.2420(d)(4); Note: In Section E, Provision 1, the portion of the text which reads “* * * and during periods of start-up, shutdown, and malfunction.” is not part of the SIP.
Prince William County Landfill Registration No. 72340.....	4/16/04	9/9/04, 69 FR 54581	52.2420(d)(5).
Washington Gas Company, Registration No. 72277..... Ravensworth Station.....	4/16/04	10/6/04, 69 FR 59812	52.2420(d)(6).
	8/11/04		
Central Intelligence Agency Registration No. 71757..... (CIA), George Bush Center for Intelligence.....	4/16/04	12/13/04, 69 FR 72115	52.2420(d)(6).
National Reconnaissance Registration No. 71988..... Office, Boeing Service Center...	4/16/04	12/13/04, 69 FR 72115	52.2420(d)(6).
Roanoke Electric Steel Corp.... Registration No. 20131.....	12/22/04	4/27/05, 70 FR 21621	52.2420(d)(7).

Roanoke Cement Company..... Registration No. 20232.....	12/22/04	4/27/05, 70 FR 21621	52.2420(d)(7).
Global Stone Chemstone Corporation..... Registration No. 80504.....	2/9/05	4/27/05, 70 FR 21621	52.2420(d)(7).
Kraft Foods Global, Inc.— Richmond Bakery..... Registration No. 50703.....	9/19/07	4/15/08, 73 FR 20175	52.2420(d)(8).
Transcontinental Pipeline Station 165..... Registration No. 30864.....	1/24/07	10/30/08, 73 FR 64551	52.2420(d)(9).
Transcontinental Pipeline Station 170..... Registration No. 30863.....	1/24/07	10/30/08, 73 FR 64551	52.2420(d)(9).
Transcontinental Pipeline Station 180..... Registration No. 40782.....	2/13/07	10/30/08, 73 FR 64551	52.2420(d)(9).
Roanoke Cement Corporation. Registration No. 20232.....	6/18/07	10/30/08, 73 FR 64551	52.2420(d)(9).
Reynolds Consumer Products Company..... Registration No. 50534.....	10/1/08	3/25/09, 74 FR 12572	52.2420(d)(12). The SIP effective date is 5/26/09.
<sup>1</sup> Georgia Pacific Corporation. Registration No. 30389.....	6/12/08	6/13/12, 77 FR 35287	§ 52.2420(d); BART determination and permit.
MeadWestvaco Corporation.... Registration No. 20328.....	2/23/09 5/6/11	6/13/12, 77 FR 35287	§ 52.2420(d); BART and Reasonable Progress determinations and permit.
O-N Minerals Facility..... Registration No. 80252.....	12/28/09 11/19/10	6/13/12, 77 FR 35287	§ 52.2420(d); BART determination and permit.
Mondel#z Global LLC, Inc.— Richmond Bakery..... Registration No. 50703.....	2/14/14	4/29/14, 79 FR 23917	52.2420(d)(13).

(e) EPA-approved non-regulatory and quasi-regulatory material.

(1) Non-regulatory material.

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
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Commitment Letter-Clean fuel Northern Virginia Ozone fleet or alternative substitute nonattainment Area..... program.....		1/25/93	9/23/93, 58 FR 50846.....	52.2423(j).
Motor vehicle emissions budgets.....	Hampton Roads Ozone Maintenance Area.....	8/29/96	6/26/97, 62 FR 34408.....	52.2424(a).
Motor vehicle emissions budgets.....	Richmond Ozone Maintenance Area.....	7/30/96	11/17/97, 62 FR 61237.....	52.2424(b).
1990 Base Year Emissions Inventory-Carbon Monoxide (CO).....	Metropolitan Washington Area.....	11/1/93, 4/3/95, 10/12/95	1/30/96, 61 FR 2931.....	52.2425(a).
1990 Base Year Emissions Inventory-Carbon Monoxide (CO), oxides of nitrogen (NO <sub>x</sub> ), & volatile organic compounds (VOC).....	Richmond-Petersburg, Norfolk-Virginia Beach, and Smyth County Ozone Areas....	11/11/92, 11/18/92, 11/1/93, 12/15/94	9/16/96, 61 FR 48657.....	52.2425(b).
1990 Base Year Emissions Inventory-Carbon Monoxide (CO), oxides of nitrogen (NO <sub>x</sub> ), & volatile organic compounds (VOC).....	Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area....	11/30/92, 11/1/93, 4/3/95	9/16/96, 61 FR 54656.....	52.2425(c).
1990 Base Year Emissions Inventory-oxides of nitrogen (NO <sub>x</sub> ), & volatile organic compounds (VOC).....	Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area....	12/17/97	7/8/98, 63 FR 36854.....	
Photochemical Assessment Monitoring Stations (PAMS) Program.....	Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area....	11/15/94	9/11/95, 60 FR 47081.....	52.2426.
Attainment determination of the ozone NAAQS.....	Richmond Ozone Nonattainment Area.....	7/26/96	10/6/97, 62 FR 52029.....	52.2428(a).
15% rate of progress plan.....	Northern Virginia (Metropolitan Washington) Ozone Nonattainment Area....	4/14/98	10/6/00, 65 FR 59727.....	52.2428(b).
Small business stationary source technical and environmental assistance program.....	Statewide.....	11/10/92	2/14/94, 59 FR 5327.....	52.2460.
Establishment of Air Quality Monitoring Network.....	Statewide.....	3/24/80	12/5/80, 45 FR 86530.....	52.2465(c)(38).
Lead (Pb) SIP.....	Statewide.....	12/31/80	3/21/82, 45 FR 8566.....	52.2465(c)(61).
Carbon Monoxide Maintenance Plan.....	Arlington County & Alexandria City.....	3/22/04	4/4/05, 70 FR 16958.....	Revised Carbon Monoxide Maintenance Plan Base Year

				Emissions Inventory using MOBILE6.
Ozone Maintenance Plan, emissions inventory & contingency measures.....	Hampton Roads Area.....	8/27/96	6/26/97, 62 FR 34408.....	52.2465(c)(117).
Ozone Maintenance Plan, emissions inventory & contingency measures.....	Richmond Area.....	7/26/96	11/17/97, 62 FR 61237.....	52.2465(c)(119).
Non-Regulatory Voluntary Emission Reduction Program... ozone nonattainment area.....	Washington, DC severe 1-hour ozone nonattainment area.....	2/25/04	5/12/05, 70 FR 24987.....	The nonregulatory measures found in section 7.6 and Appendix J of the plan.
1996-1999 Rate-of-Progress Plan SIP and the Transportation Control Measures (TCMs) in Appendix H.....	Washington 1-hour ozone nonattainment area.....	12/29/03, 5/25/99	5/16/05, 70 FR 25688.....	Only the TCMs in Appendix H of the 5/25/1999 revision, 1999 motor vehicle emissions budgets of 128.5 tons per day (tpy) of VOC and 196.4 tpy of NO <sub>x</sub> .
1990 Base Year Inventory Revisions.....	Washington 1-hour ozone nonattainment area.....	8/19/03, 2/25/04	5/16/05, 70 FR 25688.....	
1999-2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J.....	Washington 1-hour ozone nonattainment area.....	8/19/03, 2/25/04	5/16/05, 70 FR 25688.....	Only the TCMs in Appendix J of the 2/25/2004 revision, 2002 motor vehicle emissions budgets (MVEBs) of 125.2 tons per day (tpy) for VOC and 290.3 tpy of NO <sub>x</sub> , and, 2005 MVEBs of 97.4 tpy for VOC and 234.7 tpy of NO <sub>x</sub> .
VMT Offset SIP Revision.....	Washington 1-hour ozone nonattainment area.....	8/19/03, 2/25/04	5/16/05, 70 FR 25688.....	
Contingency Measure Plan.....	Washington 1-hour ozone nonattainment area.....	8/19/03, 2/25/04	5/16/05, 70 FR 25688.....	

1-hour Ozone Modeled Demonstration of Attainment and Attainment Plan.....	Washington 1-hour ozone nonattainment area.....	8/19/03, 2/25/04	5/16/05, 70 FR 25688.....	2005 motor vehicle emissions budgets of 97.4 tons per day (tpy) for VOC and 234.7 tpy of NO <sub>x</sub> .
.....	.....	3/18/14	5/26/15, 80 FR 29963.....	Removal of Stage II vapor recovery program. See section 52.2428.
Attainment Demonstration and Early Action Plan for the Roanoke MSA Ozone Early Action Compact Area.....	Botetourt County, Roanoke City, Roanoke County, and Salem City.....	12/21/04, 2/15/05	8/17/05, 70 FR 43277.....	
Attainment Demonstration and Early Action Plan for the Northern Shenandoah Valley Ozone Early Action Compact Area.....	City of Winchester and Frederick County.....	12/20/04, 2/15/05	8/17/05, 70 FR 43280.....	
8-Hour Ozone Maintenance Plan for the Fredericksburg VA Area.....	City of Fredericksburg, Spotsylvania County, and Stafford County.....	5/4/05	12/23/05, 70 FR 76165.....	
.....	.....	3/18/14	5/26/15, 80 FR 29963.....	Revised 2009 and 2015 motor vehicle emission budgets for NO <sub>x</sub> .
8-Hour Ozone Maintenance Plan for the Madison & Page Cos. (Shenandoah NP), VA Area.....	Madison County (part) and Page County (part).....	9/23/05	1/3/05, 71 FR 24.....	
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.....	Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area.....	10/12/06, 10/16/06, 10/18/06, 11/20/06, 2/13/07	6/1/07, 72 FR 30490.....	The SIP effective date is 6/1/07.
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.....	Richmond-Petersburg VA Area.....	9/18/06, 9/20/06, 9/25/06, 11/17/06, 2/13/07	6/1/07, 72 FR 30485.....	The SIP effective date is 6/18/07.
Ozone Maintenance Plan.....	White Top Mountain, Smyth County, VA 1-hour Ozone Nonattainment Area.....	8/6/07	4/29/08, 73 FR 23103.....	
RACT under the 8-Hour NAAQS.....	Stafford County.....	4/21/08	12/22/08, 73 FR 78192.....	
RACT under the 8-Hour NAAQS.....	Virginia portion of the DC-MD-VA area.....	10/23/06	6/16/09, 74 FR 28444.....	

Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures.....	Washington DC-MD-VA 1997	6/12/07	9/20/11, 76 FR 58206.....	
2002 Base Year Inventory for VOC, NO <sub>x</sub> , and CO.....	Washington DC-MD-VA 1997	6/12/07	9/20/11, 76 FR 58206.....	
8-hour ozone moderate nonattainment area.....				
2008 RFP Transportation Conformity Budgets.....	Washington DC-MD-VA 1997	6/12/07	9/20/11, 76 FR 58206.....	
8-hour ozone moderate nonattainment area.....				
Section 110(a)(2) Infrastructure Requirements for the 1997 Ozone NAAQS Statewide.....	Statewide.....	7/10/08, 9/2/08, 6/8/10, 6/9/10	10/11/11, 76 FR 62635.....	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
.....				
.....		11/13/07, 12/13/07, 8/25/11	2/25/14, 79 FR 10377.....	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(D)(i) (II).
Section 110(a)(2) Infrastructure Requirements for the 1997 PM <sub>2.5</sub> NAAQS.....	Statewide.....	7/10/08, 9/2/08, 6/8/10, 6/9/10, 4/1/08	10/11/11, 76 FR 62635.....	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
.....				
.....		11/13/07, 7/10/08, 9/2/08, 8/25/11	2/25/14, 79 FR 10377.....	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D) (i)(II), and (J).
Section 110(a)(2) Infrastructure Requirements for the 2006 PM <sub>2.5</sub> NAAQS.....	Statewide.....	8/30/10, 4/1/11	10/11/11, 76 FR 62635.....	This action addresses the following CAA elements or

portions thereof:  
110(a)(2)(A), (B),  
(C), (D)(ii), (E),  
(F), (G), (H),  
(J), (K), (L), and  
(M).

.....	4/1/11, 8/25/11	2/25/14, 79 FR 10377.....	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D) (i)(II), and (J).
Section 110(a)(2) Infrastructure Statewide..... Requirements for the 2008 Lead NAAQS.....	3/9/12	9/24/13, 78 FR 58462.....	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources), (D)(i)(I), (D) (i)(II) (for the visibility protection portion), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).
.....	3/9/12	2/25/14, 79 FR 10377.....	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D) (i)(II), and (J).
.....	12/22/14	4/2/15, 80 FR 17695.....	Docket #2015-0040. Addresses CAA element 110(a)(2) (E)(ii).
Regional Haze Plan.....Statewide.....	7/16/15	8/21/18, 83 FR 42222.....	Full Approval.  See §§ 52.2452(g).
Regional Haze Plan Supplements and BART determinations:.....		6/13/12, 77 FR 35287.....	§ 52.2452(d); Limited Approval.

1. Georgia Pacific Corporation;.....	7/17/08.	.....	
2a. MeadWestvaco Corporation;.....	5/6/11.	.....	
b. MeadWestvaco Corporation;.....	3/6/09.	.....	
3. O-N Minerals Facility;.....	1/14/10.	.....	
4. Revision to the O-N Minerals Facility permit.....	11/19/10.	.....	
2002 Base Year Emissions Inventory for the 1997 fine particulate matter (PM <sub>2.5</sub> ) standard.....	Virginia portion of the Washington DC-MD-VA 1997 PM <sub>2.5</sub> nonattainment area.....	4/4/08	10/4/12, 77 FR 60626..... § 52.2425(f).
Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS.....	Statewide.....	5/30/13	3/18/14, 79 FR 15012..... Docket #2013-0510. This action addresses the following CAA elements, or portions thereof: 110(a) (2)(A), (B), (C), (D)(i)(II), (D) (ii), (E)(i), (E) (iii), (F), (G), (H), (J), (K), (L), and (M) with the exception of PSD elements.
.....	.....	5/30/13	9/30/14, 79 FR 58686..... Docket #2013-0510. This action addresses the following CAA elements, or portions thereof: 110(a) (2)(C), (D)(i) (II), and (J) with respect to the PSD elements.
.....	.....	12/22/14	4/2/15, 80 FR 17695..... Docket #2015-0040. Addresses CAA element 110(a)(2) (E)(ii).
Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.....	Statewide.....	7/23/12	3/27/14, 79 FR 17043..... Docket #2013-0211. This action addresses the following

			CAA elements, or portions thereof: 110(a) (2)(A), (B), (C), (D)(i)(II), (D) (ii), (E)(i), (E) (iii), (F), (G), (H), (J), (K), (L), and (M) with the exception of PSD elements.
.....	7/23/12	9/30/14, 79 FR 58686.....	Docket #2013-0211. This action addresses the following CAA elements, or portions thereof: 110(a) (2)(C), (D)(i) (II), and (J) with respect to the PSD elements.
.....	12/22/14	4/2/15, 80 FR 17695.....	Docket #2015-0040. Addresses CAA element 110(a)(2) (E)(ii).
Regional Haze Five-Year Progress Report.....	Statewide.....	11/8/13	5/2/14, 79 FR 25019.....
Maintenance plan for the Virginia Portion of the Washington, DC-MD-VA Nonattainment Area for the 1997 Annual PM <sub>2.5</sub> National Ambient Air Quality Standard.	Statewide.....	06/03/13, 07/17/13	10/6/14, 79 FR 60081..... See § 52.2429(b).
Section 110(a)(2) Infrastructure Requirements for the 2010 Sulfur Dioxide NAAQS.....	Statewide.....	6/18/14	3/4/15, 80 FR 11557..... Docket #2014-0522. This action addresses the following CAA elements, or portions thereof: 110(a) (2) (A), (B), (C), (D)(i)(II) (PSD), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J) (consultation, notification, and PSD), (K), (L), and (M).

.....	12/22/14	4/2/15, 80 FR 17695.....	Docket #2015-0040. Addresses CAA element 110(a)(2) (E)(ii).
.....	7/16/15	8/21/18, 83 FR 42222.....	Docket #2017-0601. This action addresses the following CAA elements: 110(a)(2)(D)(I) (II) for visibility and 110(a)(2)(J) for visibility.
Attainment Demonstration Washington, DC-MD-VA Contingency Measure Plan.....1997 8-Hour Ozone Nonattainment Area.....	June 12, 2007	4/10/15, 80 FR 19219.....	2010 motor vehicle emissions budgets of 144.3 tons per day (tpd) NO <sub>x</sub> .
8-hour Ozone Modeled Washington, DC-MD-VA Demonstration of Attainment 1997 8-Hour Ozone and Attainment Plan for the Nonattainment Area..... 1997 Ozone National Ambient Air Quality Standards.....	6/12/07	4/10/15, 80 FR 19206.....	2009 motor vehicle emissions budgets of 66.5 tons per day (tpd) for VOC and 146.1 tpd of NO <sub>x</sub> .
.....	3/18/14	5/26/15, 80 FR 29963.....	Removal of Stage II vapor recovery program. See section 52.2428.
2011 Base Year Emissions Virginia portion of the Inventory for the 2008 8-hour Washington, DC-MD-VA ozone standard.....2008 ozone nonattainment area	7/17/14	5/13/15, 80 FR 27258.....	§ 52.2425(g).
Section 110(a)(2) InfrastructureStatewide..... Requirements for the 2012 Particulate Matter NAAQS.....	7/16/15	6/16/16, 81 FR 39210.....	Docket #2015-0838. This action addresses the following CAA elements, or portions thereof: 110(a)(2) (A), (B), (C), (D) (i)(II) (PSD), (D) (ii), (E), (F), (G), (H), (J), (K), (L), and (M).
.....	7/16/15	8/21/18, 83 FR 42222.....	Docket #2017-0601. This action addresses the following CAA element:

				110(a)(2)(D)(I) (II) for visibility.
Emissions Statement Rule Certification for the 2008 Ozone NAAQS.....	Virginia portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS (i.e., Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City) as well as the portions of Virginia included in the Ozone Transport Region (OTR) (i.e., Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City).....	8/01/17	6/01/18, 83 FR 25381.....	Certification that Virginia's previously SIP-approved regulations at 9VAC5-20-160 meet the emissions statement requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS.
Section 110(a)(2) Infrastructure Statewide..... Requirements for the 2012 Particulate Matter NAAQS.....		05/16/17	7/16/2018, 83 FR 32796.....	Docket 2017-0337. This action addresses the infrastructure element of CAA section 110(a)(2) (D)(i)(I).
2008 8-Hour Ozone NAAQS Nonattainment New Source Review Requirements.....	Virginia portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS (i.e., Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City) as well as the portions of Virginia included in the Ozone Transport Region (OTR) (i.e., Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City).....	5/17/17	9/7/17, 83 FR 45356.....	
Maintenance plan for the Virginia portion of the Washington, DC-MD-VA Nonattainment Area for the	Arlington, Fairfax, Loudoun, and Prince William Counties and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.	1/3/18	4/15/2019, 84 FR 15117.....	§ 52.2428(m).

2008 8-hour ozone National  
 Ambient Air Quality Standard.

(2) Documents incorporated by reference in regulation 9VAC5-20-21.

Revised paragraph in regulation <b>5-20-21</b>	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
9VAC5-60-100 (adopts 40 CFR 63.460 through 63.469 by reference).....	Statewide.....	10/9/98	11/3/99, 64 FR 59648.....	52.2423(q).
9VAC5-20-21, paragraphs E.1 through E.5 and E.7.....	Statewide.....	4/12/89	8/23/95, 60 FR 43714.....	52.2423(m); Originally Appendix M, Sections II.A. through II.E. and II.G.
9VAC5-20-21, paragraphs E.1 and E.2.....	Statewide.....	2/12/93	8/23/95, 60 FR 43714.....	52.2423(n); Originally Appendix M, Sections II.A. and II.B.
9VAC5-20-21, Section E.....	Statewide.....	6/22/99	1/7/03, 68 FR 663.....	52.2423(r).
9VAC5-20-21, paragraph E.12.	Statewide.....	2/23/04	6/8/04, 69 FR 31893.....	52.2423(s).
9VAC5-20-21, Section E.....Northern Virginia VOC Emissions Control Area designated in 9VAC5-20-206....	Northern Virginia VOC Emissions Control Area designated in 9VAC5-20-206....	3/24/04	5/12/05, 70 FR 24970.....	9VAC5-20-21, Sections E.1.a. (7), E.4.a.(12) through a.(17), E.10., E.11., E.13.a.(1), and E.13.a.(2).
9VAC5-20-21, Sections D and E.....	Statewide.....	8/25/05	3/3/06, 71 FR 10838.....	Sections D., E. (introductory sentence), E.2 (all paragraphs), E.3.b, E.4.a. (1) and (2), E.4.b., E.5. (all paragraphs), and E.7. (all paragraphs) State effective date is 2/1/00.
9VAC5-20-21, Section B.....	Statewide.....	10/25/05	3/3/06, 71 FR 10838.....	State effective date is 3/9/05; approval is for those provisions

of the CFR which implement control programs for air pollutants related to the national ambient air quality standards (NAAQS) and regional haze.

9VAC5-20-21, Section E.....Northern Virginia VOC Emissions Control Area designated in 9VAC5-20-206....	10/25/05	1/30/07, 72FR 4207.....	9VAC5-20-21, Sections .1.a. (16), E.4.a.(18) through a.(20), E.6.a, E.11.a. (3), E.12.a.(5) through a.(8), E.14.a. and E.14.b.
			State effective date is 3/9/05.
9VAC5-20-21, Paragraphs E.4.a. (21) and (22).....Fredericksburg VOC Emissions Control Area Designated in 9VAC5-20-206...	5/14/07	12/5/07, 72 FR 68511.....	State effective date is 10/4/06.
9VAC5-20-21, Sections B. and E.1.....Statewide.....	6/24/09	1/18/11, 76 FR 2829.....	Revised sections.
9VAC5-20-21, Sections E.1.a. (1)(q) and E.1.a.(1)(r).....Statewide.....	9/27/10	4/25/11, 76 FR 22814.....	Revised sections.
9VAC5-20-21, Section E.1.a.(1)Statewide.....(s).....	8/18/10	6/22/11, 76 FR 36326.....	Added Section.
9VAC5-20-21, Sections E.1.a. (2), (16)-(19), E.2.a.(3), E.2.b., E.4.a.(23)-(27), E.11.a.(4)-(6), E.12.a.(3), (5) and (9)-(11).....Northern Virginia and Fredericksburg VOC Emissions Control Areas.....	3/17/10	1/26/12, 77 FR 3928.....	Added section.
9VAC5-20-21 Section E.1.a(1) Statewide.....Documents Incorporated by Reference.....	5/25/11	2/3/12, 77 FR 5400.....	Addition of paragraph (1)(a) and (1) (u). The citations of all other paragraphs are revised.
Documents incorporated by reference.....Northern Virginia VOC emissions control area.....	02/01/16	10/21/16, 81 FR 72711.....	Section 15 added.

## Credits

[65 FR 21320, April 21, 2000; 65 FR 41525, July 5, 2000; 65 FR 41593, July 6, 2000; 65 FR 43840, July 14, 2000; 65 FR 44685, July 19, 2000; 65 FR 52651, Aug. 30, 2000; 65 FR 62628, Oct. 19, 2000; 65 FR 78101, Dec. 14, 2000; 66 FR 15, Jan. 2, 2001; 66 FR 29497, May 31, 2001; 67 FR 76995, Dec. 16, 2002; 68 FR 667, Jan. 7, 2003; 68 FR 8843, Feb. 26,

2003; [68 FR 14545](#), March 26, 2003; [68 FR 38196](#), June 27, 2003; [68 FR 40525](#), July 8, 2003; [69 FR 12077](#), March 15, 2004; [69 FR 31890](#), [31896](#), June 8, 2004; [69 FR 32280](#), June 9, 2004; [69 FR 35255](#), June 24, 2004; [69 FR 48152](#), Aug. 9, 2004; [69 FR 52176](#), Aug. 25, 2004; [69 FR 53778](#), Sept. 2, 2004; [69 FR 54218](#), Sept. 8, 2004; [69 FR 54578](#), [54581](#), Sept. 9, 2004; [69 FR 59815](#), Oct. 6, 2004; [69 FR 64259](#), Nov. 4, 2004; [69 FR 72117](#), Dec. 13, 2004; [69 FR 77902](#), [77911](#), Dec. 29, 2004; [70 FR 16964](#), April 4, 2005; [70 FR 21624](#), [21627](#), April 27, 2005; [70 FR 22265](#), April 29, 2005; [70 FR 24978](#), [24991](#), May 12, 2005; [70 FR 25718](#), May 13, 2005; [70 FR 28217](#), May 17, 2005; [70 FR 35381](#), June 20, 2005; [70 FR 48280](#), [48282](#), Aug. 17, 2005; [70 FR 66770](#), Nov. 3, 2005; [70 FR 76167](#), Dec. 23, 2005; [71 FR 26](#), Jan. 3, 2006; [71 FR 10841](#), [10844](#), March 3, 2006; [71 FR 39572](#), July 13, 2006; [71 FR 47744](#), [47746](#), Aug. 18, 2006; [71 FR 66681](#), Nov. 16, 2006; [72 FR 656](#), Jan. 8, 2007; [72 FR 4209](#), Jan. 30, 2007; [72 FR 9443](#), March 2, 2007; [72 FR 30489](#), June 1, 2007; [72 FR 30491](#), June 1, 2007; [72 FR 38921](#), July 16, 2007; [72 FR 45168](#), Aug. 13, 2007; [72 FR 59209](#), Oct. 19, 2007; [72 FR 68513](#), Dec. 5, 2007; [72 FR 73605](#), Dec. 28, 2007; [73 FR 2161](#), Jan. 14, 2008; [73 FR 10672](#), Feb. 28, 2008; [73 FR 12012](#), March 6, 2008; [73 FR 20177](#), April 15, 2008; [73 FR 21542](#), April 22, 2008; [73 FR 23105](#), April 29, 2008; [73 FR 53134](#), Sept. 15, 2008; [73 FR 62896](#), Oct. 22, 2008; [73 FR 62900](#), Oct. 22, 2008; [73 FR 64213](#), Oct. 29, 2008; [73 FR 64553](#), Oct. 30, 2008; [73 FR 78195](#), Dec. 22, 2008; [74 FR 11663](#), March 19, 2009; [74 FR 12574](#), March 25, 2009; [74 FR 28446](#), June 16, 2009; [74 FR 33333](#), July 13, 2009; [74 FR 45768](#), Sept. 4, 2009; [74 FR 54488](#), Oct. 22, 2009; [74 FR 60197](#), Nov. 20, 2009; [74 FR 61037](#), Nov. 23, 2009; [74 FR 67078](#), Dec. 18, 2009; [75 FR 8251](#), Feb. 24, 2010; [75 FR 8495](#), Feb. 25, 2010; [75 FR 11739](#), March 12, 2010; [75 FR 32857](#), June 10, 2010; [75 FR 81479](#), Dec. 28, 2010; [76 FR 2832](#), Jan. 18, 2011; [76 FR 3025](#), Jan. 19, 2011; [76 FR 4539](#), Jan. 26, 2011; [76 FR 8300](#), Feb. 14, 2011; [76 FR 13513](#), March 14, 2011; [76 FR 14805](#), March 18, 2011; [76 FR 22816](#), April 25, 2011; [76 FR 27903](#), May 13, 2011; [76 FR 36329](#), June 22, 2011; [76 FR 52277](#), Aug. 22, 2011; [76 FR 54708](#), Sept. 2, 2011; [76 FR 58119](#), Sept. 20, 2011; [76 FR 62639](#), Oct. 11, 2011; [76 FR 64825](#), Oct. 19, 2011; [76 FR 68640](#), Nov. 7, 2011; [76 FR 71883](#), Nov. 21, 2011; [76 FR 77153](#), Dec. 12, 2011; [77 FR 3930](#), Jan. 26, 2012; [77 FR 5402](#), Feb. 3, 2012; [77 FR 24845](#), April 26, 2012; [77 FR 35290](#), June 13, 2012; [77 FR 44151](#), July 27, 2012; [77 FR 55697](#), Sept. 11, 2012; [77 FR 60627](#), Oct. 4, 2012; [77 FR 65492](#), Oct. 29, 2012; [77 FR 65629](#), Oct. 30, 2012; [77 FR 75382](#), Dec. 20, 2012; [77 FR 75387](#), Dec. 20, 2012; [78 FR 19423](#), April 1, 2013; [78 FR 34917](#), June 11, 2013; [78 FR 40013](#), July 3, 2013; [78 FR 58464](#), Sept. 24, 2013; [78 FR 63880](#), Oct. 25, 2013; [78 FR 68367](#), Nov. 14, 2013; [79 FR 10382](#), Feb. 25, 2014; [79 FR 15016](#), March 18, 2014; [79 FR 17053](#), March 27, 2014; [79 FR 23919](#), April 29, 2014; [79 FR 25021](#), May 2, 2014; [79 FR 46186](#), Aug. 7, 2014; [79 FR 46353](#), Aug. 8, 2014; [79 FR 46714](#), Aug. 11, 2014; [79 FR 47007](#), Aug. 12, 2014; [79 FR 58686](#), Sept. 30, 2014; [79 FR 60085](#), Oct. 6, 2014; [80 FR 2834](#), Jan. 21, 2015; [80 FR 11572](#), March 4, 2015; [80 FR 17695](#), April 2, 2015; [80 FR 19219](#), April 10, 2015; [80 FR 19544](#), April 13, 2015; [80 FR 27258](#), May 13, 2015; [80 FR 29963](#), May 26, 2015; [80 FR 42046](#), July 16, 2015; [80 FR 46202](#), Aug. 4, 2015; [80 FR 48732](#), Aug. 14, 2015; [80 FR 72905](#), Nov. 23, 2015; [80 FR 73997](#), Nov. 27, 2015; [81 FR 10091](#), Feb. 29, 2016; [81 FR 39210](#), June 16, 2016; [81 FR 54509](#), Aug. 16, 2016; [81 FR 56511](#), Aug. 22, 2016; [81 FR 57468](#), Aug. 23, 2016; [81 FR 58857](#), Aug. 26, 2016; [81 FR 72711](#), Oct. 21, 2016; [81 FR 72728](#), Oct. 21, 2016; [81 FR 89008](#), Dec. 9, 2016; [82 FR 21702](#), May 10, 2017; [82 FR 24540](#), May 30, 2017; [82 FR 39034](#), Aug. 17, 2017; [82 FR 40707](#), Aug. 28, 2017; [82 FR 45191](#), Sept. 28, 2017; [82 FR 47987](#), Oct. 16, 2017; [82 FR 55052](#), Nov. 20, 2017; [82 FR 57677](#), Dec. 7, 2017; [83 FR 7613](#), Feb. 22, 2018; [83 FR 10628](#), March 12, 2018; [83 FR 10791](#), March 13, 2018; [83 FR 10796](#), March 13, 2018; [83 FR 25381](#), June 1, 2018; [83 FR 32796](#), July 16, 2018; [83 FR 42222](#), Aug. 21, 2018; [83 FR 45356](#), Sept. 7, 2018; [84 FR 15117](#), April 15, 2019]

AUTHORITY: [42 U.S.C. 7401 et seq.](#)

Current through May 23, 2019; [84 FR 23979](#).

#### Footnotes

- <sup>1</sup> [79 FR 21857](#) purported to amend the entry for “George Pacific Corporation”, but was without effect.

Virginia Administrative Code

Title 9. Environment (Refs & Annos)

Vac Agency NO. 5. State Air Pollution Control Board (Refs & Annos)

Chapter 50. New and Modified Stationary Sources (Refs & Annos)

Part II. Emission Standards

Article 4. Standards of Performance for Stationary Sources (Rule 5-4) (Refs & Annos)

9 VAC 5-50-250

9 VAC 5-50-250. Definitions.

Currentness

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. Unless otherwise required by context, all terms not defined herein shall have the meanings given them in 9 VAC 5-80 (Permits for Stationary Sources), 9 VAC 5-10 (General Definitions), or commonly ascribed to them by recognized authorities, in that order of priority.

C. Terms defined.

*“Best available control technology”* or *“BACT”* means, as used in 9 VAC 5-50-260, an emissions limitation (including a visible emission standard) based on the maximum degree of emission reduction for any pollutant which would be emitted from a new stationary source or project which the board, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for the new stationary source or project through the application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard in Article 5 (9 VAC 5-50-400 et seq.) of this part or Article 1 (9 VAC 5-60-60 et seq.) or Article 2 (9 VAC 5-60-90 et seq.) of Part II of 9 VAC 5-60 (Hazardous Air Pollutant Sources). If the board determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard, or combination of them, may be prescribed instead of requiring the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results. In determining best available control technology for stationary sources subject to Article 6 (9 VAC 5-80-1100 et seq.) of Part II of 9 VAC 5-80 (Permits for Stationary Sources), consideration shall be given to the nature and amount of the emissions, emission control efficiencies achieved in the industry for the source type, total cost effectiveness, and where appropriate, the cost effectiveness of the incremental emissions reduction achieved between control alternatives.

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9 VAC 5-50-250, 9 VA ADC 5-50-250

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Vac Agency NO. 5. State Air Pollution Control Board (Refs & Annos)

Chapter 50. New and Modified Stationary Sources (Refs & Annos)

Part II. Emission Standards

Article 4. Standards of Performance for Stationary Sources (Rule 5-4) (Refs & Annos)

9 VAC 5-50-260

9 VAC 5-50-260. Standard for stationary sources.

Currentness

A. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions in excess of emissions limitations representing best available control technology, as reflected in any term or condition that may be placed upon the minor NSR permit approval for the facility.

B. A new stationary source shall apply best available control technology for each regulated pollutant for which there would be an uncontrolled emission rate equal to or greater than the levels in 9 VAC 5-80-1105 C. For a new stationary source, a permit may be issued pursuant to Article 6 (9 VAC 5-80-1100 et seq.) of Part II of 9 VAC 5-80 (Permits for Stationary Sources) containing such terms and conditions as may be necessary to implement a best available control technology determination for any regulated air pollutant that may be emitted from any affected emissions unit.

C. A project shall apply best available control technology for each regulated pollutant for which there would be an increase in the uncontrolled emission rate equal to or greater than the levels in 9 VAC 5-80-1105 D. This requirement applies to each affected emissions unit in the project. For a project, a permit may be issued pursuant to Article 6 (9 VAC 5-80-1100 et seq.) of Part II of 9 VAC 5-80 (Permits for Stationary Sources) containing such terms and conditions as may be necessary to implement a best available control technology determination for any regulated air pollutant emitted, or that may be emitted, from any affected emissions unit.

D. For the phased construction of new stationary sources or projects, the BACT determination shall be reviewed and modified, as appropriate, at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the new stationary source or project. At such time, the owner of the applicable stationary source or project may be required to demonstrate the adequacy of any previous BACT determination for the affected emissions units.

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Virginia Administrative Code

Title 9. Environment (Refs & Annos)

Vac Agency NO. 5. State Air Pollution Control Board (Refs & Annos)

Chapter 80. Permits for Stationary Sources (Refs & Annos)

Part II. Permit Procedures (Refs & Annos)

Article 5. State Operating Permits (Refs & Annos)

9 VAC 5-80-850

9 VAC 5-80-850. Standards and conditions for granting permits.

Currentness

A. A permit may be granted pursuant to this article if it is shown to the satisfaction of the board that the following standards and conditions will be met:

1. The stationary source or emissions unit shall operate without causing a violation of the applicable provisions of regulations of the board;
2. The stationary source or emissions unit shall be in compliance with all applicable emission standards or meet the provisions of any administrative enforcement mechanism issued pursuant to [9 VAC 5-170-120](#); and
3. The stationary source or emissions unit shall operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the implementation plan in effect at the time that an application is submitted so as not to prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard.

B. Permits may be granted to stationary sources or emissions units located in nonattainment areas provided the requirements of subdivisions A 1 and 2 of this section are met.

C. Permits granted pursuant to this article may contain emission standards as necessary to implement the provisions of this article. The following criteria shall be met in establishing emission standards to the extent necessary to assure that emissions levels are enforceable as a practical matter:

1. Standards shall be based on averaging time periods for the standards as appropriate based on applicable air quality standards, any emission standard applicable to the emissions unit prior to the date the permit is issued, or the operation of the emissions unit, or any combination thereof. The emission standards may include the level, quantity, rate, or concentration or any combination of them for each affected pollutant.
2. In no case shall a standard result in emissions which would exceed the lesser of the following:

a. Allowable emissions for the emissions unit based on emission standards applicable prior to the date the permit is issued; or

b. The emission rate based on the potential to emit of the emissions unit.

3. Emission standards shall only include limitations that are determined by the board to be achievable through application of production processes or available methods, systems, and techniques, including, but not limited to, any of the following: emissions control equipment, fuel cleaning or treatment, fuel combustion techniques, or substitution of less toxic or nontoxic materials.

4. The standard may prescribe, as an alternative to or a supplement to an emission limitation, an equipment, work practice, fuels specification, process materials, maintenance, or operational standard, or any combination of them.

D. In consideration of the factors specified below, the owner may propose and the board may establish an alternative emission standard provided the owner demonstrates to the satisfaction of the board that it meets the standards and conditions in subsection A and subdivision C 2 of this section and is enforceable as a practical matter.

1. The impact upon the ability of the stationary source or emissions unit to operate in a competitive and efficient manner.

2. The previous efforts to reduce actual emissions taken at the owner's initiative.

3. The technological and economic practicality of reducing emissions.

4. The impact upon the availability and cost of fuels and process materials.

E. An emission standard may be changed to allow an increase in emissions level provided the amended standard meets the requirements of subsection A of this section and the increased emissions levels would not make the stationary source or emissions unit subject to the new source review program.

F. Operating permits issued under this article may contain, but not be limited to, any the following elements as necessary to ensure that the permits are enforceable as a practical matter:

1. Emission standards as set out in this section.

2. Conditions necessary to enforce emission standards. Conditions to provide enforceability may include, but not be limited to, the following:

a. Limit on fuel sulfur content;

- b. Limit on production rates with time frames as appropriate to support the emission standards in this section;
  - c. Limit on raw material usage rate; and
  - d. Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment.
3. Specifications for permitted equipment, identified as thoroughly as possible. The identification shall include, but not be limited to, type, rated capacity, and size.
4. Specifications for air pollution control equipment installed or to be installed and the circumstances under which such equipment shall be operated.
5. Specifications for air pollution control equipment operating parameters, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but not be limited to, the following:
- a. Pressure indicators and required pressure drop;
  - b. Temperature indicators and required temperature;
  - c. pH indicators and required pH; and
  - d. Flow indicators and required flow.
6. Requirements for proper operation and maintenance of any pollution control equipment, and appropriate spare parts inventory.
7. Stack test requirements.
8. Reporting or recordkeeping requirements, or both.
9. Continuous emission or air quality monitoring requirements, or both.
10. Compliance schedules.
11. Other requirements as may be necessary to ensure compliance with the applicable state and federal regulations.

G. Permits granted pursuant to this article shall contain terms and conditions to the extent necessary to ensure that:

1. The permit meets the requirements of this article;
2. The permit is enforceable as a practical matter; and
3. The permittee adheres to the terms and conditions of the permit.

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Title 9. Environment (Refs & Annos)

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Chapter 80. Permits for Stationary Sources (Refs & Annos)

Part II. Permit Procedures (Refs & Annos)

Article 6. Permits for New and Modified Stationary Sources (Refs & Annos)

9 VAC 5-80-1120

9 VAC 5-80-1120. General.

Currentness

A. No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit.

B. Except as provided in [9 VAC 5-80-1105 A 1 c](#), no owner or other person shall relocate any stationary source or emissions unit from one stationary source to another without first obtaining from the board a minor NSR permit to relocate the stationary source or unit.

C. Except as provided in [9 VAC 5-80-1105 A 2 b](#), no owner or other person shall reduce the outlet elevation of any stack or chimney which discharges any regulated air pollutant from an emissions unit without first obtaining a minor NSR permit from the board.

D. The board will take actions to combine permit terms and conditions as provided in [9 VAC 5-80-1255](#). Actions to combine permit terms and conditions involve relocating the terms and conditions contained in two or more permits issued to single stationary source to a single permit document. Actions to combine permit terms and conditions in and of themselves are not a mechanism for making changes to permits; such actions shall be taken under [9 VAC 5-80-1260](#) as explained in subsection E of this section.

E. The board will take actions to make changes to permit terms and conditions as provided in [9 VAC 5-80-1260](#). Nothing in this subsection is intended to imply that once an action has been taken to make a change to a permit, the resulting permit change may not be combined with other terms and conditions in a single permit document as provided in subsection D of this section.

F. All terms and conditions of any minor NSR permit shall be federally enforceable except those that are designated state-only enforceable under subdivision 1 of this subsection. Any term or condition that is not federally enforceable shall be designated as state-only enforceable as provided in subdivision 2 of this subsection.

1. A term or condition of any minor NSR permit shall not be federally enforceable if it is derived from or is designed to implement Article 2 ([9 VAC 5-40-130 et seq.](#)) of Part II of 9 VAC 5-40 (Existing Stationary Sources), Article 2

(9 VAC 5-50-130 et seq.) of Part II of 9 VAC 5-50 (New and Modified Stationary Sources), or Article 4 (9 VAC 5-60-200 et seq.) or Article 5 (9 VAC 5-60-300 et seq.) of Part II of 9 VAC 5-60 (Hazardous Air Pollutant Sources).

2. Any term or condition of any minor NSR permit that is not federally enforceable shall be marked in the permit as state-only enforceable and shall be enforceable only by the board. Incorrectly designating a term or condition as state-only enforceable shall not provide a shield from federal enforcement of a term or condition that is legally federally enforceable.

G. Nothing in the regulations of the board shall be construed to prevent the board from granting minor NSR permits for programs of construction of a new stationary source or project in planned incremental phases. In such cases, all uncontrolled emission rate increases from all emissions units covered by the program shall be added together for determining the applicability of this article.

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Part II. Permit Procedures (Refs & Annos)

Article 6. Permits for New and Modified Stationary Sources (Refs & Annos)

9 VAC 5-80-1230

9 VAC 5-80-1230. Compliance with local zoning requirements.

Currentness

No provision of this part or any permit issued thereunder shall relieve any owner from the responsibility to comply in all respects with any existing zoning ordinances and regulations in the locality in which the source is located or proposes to be located; provided, however, that such compliance does not relieve the board of its duty under **9 VAC 5-170-170** and § 10.1-1307 E of the Virginia Air Pollution Control Law to independently consider relevant facts and circumstances.

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Chapter 170. Regulation for General Administration (Refs & Annos)

Part VI. Board Actions

9 VAC 5-170-170

9 VAC 5-170-170. Considerations for approval actions.

**Currentness**

Pursuant to the provisions of § 10.1-1307 E of the Virginia Air Pollution Control Law, the board, in making regulations and in approving variances, control programs, or permits, shall consider facts and circumstances relevant to the reasonableness of the activity involved and the regulations proposed to control it, including:

1. The character and degree of injury to, or interference with safety, health, or the reasonable use of property which is caused or threatened to be caused;
2. The social and economic value of the activity involved;
3. The suitability of the activity to the area in which it is located; and
4. The scientific and economic practicality of reducing or eliminating the discharge resulting from the activity.

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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FRIENDS OF BUCKINGHAM; )  
CHESAPEAKE BAY FOUNDATION, INC., )  
                                )  
*Petitioners,*                 )  
                                )  
v.                              )  
                                ) No. 19-1152  
STATE AIR POLLUTION CONTROL )  
BOARD, *et al.*,                 )  
                                )  
*Respondents,*                 )  
                                )  
ATLANTIC COAST PIPELINE, LLC, )  
                                )  
*Intervenor.*                 )  
                                )

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**DECLARATION OF LAKSHMI FJORD**

I, Lakshmi Fjord, declare as follows:

1. My name is Lakshmi Fjord. I am over the age of eighteen and am competent to make this declaration.
2. I am a Steering Committee member of Friends of Buckingham, a position I have held since May 2015. Friends of Buckingham is a registered Virginia corporation. The organization was founded in October 2014 and has over 50 members in Virginia.
3. The mission of Friends of Buckingham is to protect the natural resources and

cultural heritage of Buckingham County and to promote sustainable social and economic wellbeing.

4. There is a rich cultural heritage in Buckingham County. Many residents still live on lands dating to earliest Virginia colonial times, including in Union Hill, where freedmen descendants live on lands purchased by former slaves who had been enslaved nearby.
5. To achieve Friends of Buckingham's mission, the organization supports sustainable economic development and investment opportunities that benefit all Buckingham County residents. We support fair and just development that will enrich environmental justice communities as well as those who have been privileged for generations. The organization opposes projects that threaten to exploit the county's natural resources to the residents' detriment.
6. Friends of Buckingham is committed to protecting the health and environment of Buckingham from any outside interests that seek to exploit the county's natural resources in ways that produce harmful toxic pollution to our air, water, and soil. Friends of Buckingham opposes projects that extract benefit from our high quality natural resources without directly benefiting its residents and works to promote clean energy, sustainable development, and jobs in the county.
7. Friends of Buckingham opposes the Virginia State Air Pollution Control

Board's decision to issue a permit to Atlantic Coast Pipeline, LLC for operation of a compressor station in Union Hill, Buckingham County. The compressor station will contribute to air, water, and noise pollution that will degrade the present quality of life and health of an environmental justice community, as well as the natural environment.

8. The Union Hill community is a predominantly African-American community in Buckingham County located in close proximity to the proposed Compressor Station 2 for the Atlantic Coast Pipeline. The community was founded by freedmen after the Civil War. Residents here are disproportionately elderly and children. Many elderly residents and a number of children suffer from chronic respiratory ailments and other health problems that make them particularly susceptible to pollution and fugitive emissions from the compressor station.

9. Friends of Buckingham conducted a door-to-door community participatory research study of households in the Union Hill community within approximately 1.5 miles of the proposed compressor station. More than 83% of the 200 respondents in that study are African-American or African American/Native American, a far higher percentage than in the Commonwealth as a whole.

10. The compressor station harms Friends of Buckingham's mission because it

poses a significant threat to Union Hill's former slave and freedmen history and the social, economic, and environmental fabric of this freedmen descendant community.

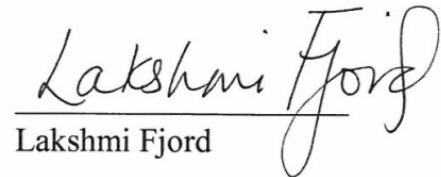
11. For example, community members, including freedmen families that return to Homecomings at the two historic African-American churches in Union Hill yearly, express concerns about the health impacts of the compressor station. African Americans are disproportionately burdened by asthma and diabetes with causal factors that include unequal exposure to toxic pollution sources that also exacerbate existing conditions. The compressor station poses a serious threat to the community's health by emitting pollutants, including methane, fine particulate matter, nitrogen oxide, formaldehyde, and benzene. The compressor station also threatens destruction of agricultural land, domestic food production, businesses, and loss of property value of freedmen heritage lands – a principal source of intergenerational wealth passing among rural African-Americans.

12. The compressor station would cause disproportionate harm to the majority minority community of Union Hill, including exacerbating health problems in a predominantly vulnerable population of young children and elderly people. This harm directly conflicts with Friends of Buckingham's mission to protect the health and environment for all Buckingham County residents

from outside interests that, like the Atlantic Coast Pipeline, seek to exploit the county's natural resources.

13. For these reasons, Friends of Buckingham opposes the Virginia State Air Pollution Control Board's and Department of Environmental Quality's issuance of an air permit to Atlantic for operation of the compressor station.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on May 27, 2019.



A handwritten signature in black ink, appearing to read "Lakshmi Fjord". Below the signature is a horizontal line, and underneath the line is the typed name "Lakshmi Fjord".

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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)

FRIENDS OF BUCKINGHAM; )  
CHESAPEAKE BAY FOUNDATION, INC. )  
                                )  
                                )  
*Petitioners,*                 )  
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v.                              )  
                                ) No. 19-1152  
STATE AIR POLLUTION CONTROL )  
BOARD, *et al.*,                 )  
                                )  
*Respondents,*                 )  
                                )  
ATLANTIC COAST PIPELINE, LLC, )  
                                )  
*Intervenor.*                 )  
                                )

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**DECLARATION OF ELLA ROSE**

I, Ella Rose, declare as follows:

1. My name is Ella Rose and I am over the age of 18 and competent to give this declaration. All of the following information is based on my experience and personal knowledge.
2. I was born and raised in Nelson County, Virginia and retired to Buckingham County, Virginia about seven years ago. I am an active member of Friends of Buckingham. I learned about the Atlantic Coast Pipeline and associated compressor station in 2014 and have been advocating against the proposed

project ever since. Opposing this project has become a full-time job during my retirement. I have submitted comments to FERC and have spoken at multiple DEQ hearings, including Air Board meetings.

3. Despite my efforts to make my voice heard, I do not believe I have been heard and I do not believe the Union Hill community, as a whole, has been listened to. The Buckingham County Board of Supervisors has ignored our concerns and no one from the federal government has come to talk to the community about this project. It seems as if no one cares about my concerns or those of the community.
4. I am especially troubled that our voice has been ignored because the compressor station will be very noisy and is only half a mile away from my property. My home is within 150 feet from the compressor station property, which is adjacent to my property.
5. I purchased my property in 1998 and retired to Buckingham County thirteen years later. I spent much of my life working in cities and they were noisy and chaotic. I retired to my current home seeking a peaceful, serene, and quiet location. Buckingham is a very rural county. My property in Buckingham County is surrounded by farms and woodlands. I have 1.9 acres, and I want to enjoy all 1.9 acres.

6. The noise from construction and operation of the compressor station, which will run twenty-four hours a day, seven days a week, will severely and permanently diminish my continued use and enjoyment of my serene and peaceful property. Traffic from construction of the compressor station, construction of the pipeline, tree cutting for the pipeline, and the use of large vehicles and equipment will also harm my enjoyment of my property.

7. One thing I particularly value about my home is that I can walk into my own backyard and observe birds, deer, turkey, and other wildlife. I see all of these animals very regularly. I see turkey almost every day during October and November and deer all year round. I am aware of a bear that lives by my house and hope to see the bear one day, as well. I consider myself very lucky to have all of this beauty and nature in my own backyard; I don't have to go to Shenandoah National Park for this, I can just walk outside my door.

8. Unfortunately, I believe the noise pollution from the compressor station will disrupt my enjoyment of this undisturbed, wild location and will frighten the wildlife away. I will no longer have the privilege of observing them.

9. I have also expressed my concerns previously about the location of a telecommunications tower 500 feet away from my property that is necessary to operate the compressor station. This tower will shine a bright light down

twenty four hours a day and will disrupt my sleep. It will permanently disrupt my ability to enjoy the stars from my yard.

10. In addition to the above concerns, I fear that the compressor station will permanently degrade the wonderful air quality in this area. This harmful impact on clean air would take away from my overall enjoyment of my property and community, and I fear it will harm my health.

11. I am aware that living near a compressor station aggravates respiratory health and there is nothing being done to prevent my health from deteriorating as a result of the air pollution that will plague my community. I am deeply concerned that I could develop respiratory problems as a result of air pollution and that my sister-in-law, who already has respiratory problems and lives across the street from me, will be harmed by this air pollution.

12. I am also concerned about the impacts of the compressor station on my well water. Compressors operate under high-risk conditions, created by high pressure which causes corrosion that might leak toxic contamination into my water system. The information I have been provided so far is insufficient to convince me that my well water will be protected. It also causes vibrations and cracks, potentially leading to failures, explosions, and fire.

13. I am troubled by the reason my neighborhood was selected for the location of the compressor station. My neighborhood is predominantly African

American, and I believe that it was selected in hopes that our community would not be able to speak up or fight back. As I stated before, it seems clear that the voices of Union Hill have been ignored throughout this entire process. Our lives count too and they should not be sacrificed in favor of financial interests.

14. I have never been involved on an issue like this before; however, as a result of the close proximity of the compressor station to my home and the way in which my voice, and many other voices, have been ignored during this process, I felt that I had to speak up and advocate against this project.

15. I moved here to enjoy the freedom and atmosphere. I love nature, love looking at animals that cross through here – the deer, the wild turkey. I moved here to enjoy the rest of my life, but the compressor station is going to scare away the animals, ruin my quality of life. Living right next to a noisy, polluting industrial facility will severely lessen my enjoyment of all of these unique characteristics that brought me to Buckingham County and that I had hoped to enjoy throughout the rest of my retirement.

16. This is not the plan I had for my retirement and it is disheartening to know that everything I have worked for all of my life, which was to own my own home and live in peace the rest of my life, will be taken from me if I am forced to live with this large, noisy, polluting compressor station nearby.

17. I support Friends of Buckingham filing this lawsuit against the Virginia State Air Pollution Control Board and Department of Environmental Quality for the issuance of an air permit for the Atlantic Coast Pipeline to operate the compressor station in Buckingham County. If the lawsuit is successful, I believe that my use and enjoyment of my property and community will be much greater.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 16, 2019.

  
Ella Rose

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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FRIENDS OF BUCKINGHAM; )  
CHESAPEAKE BAY FOUNDATION, INC., )  
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*Petitioners,*                 )  
                                  )  
                                  )  
v.                              )  
                                  ) No. 19-1152  
STATE AIR POLLUTION CONTROL )  
BOARD, *et al.*,                 )  
                                  )  
                                  )  
*Respondents,*                 )  
                                  )  
ATLANTIC COAST PIPELINE, LLC, )  
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*Intervenor.*                 )  
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**DECLARATION OF JOHN LAURY**

I, John Laury, declare as follows:

1. My name is John Laury and I am over the age of 18 and competent to give this declaration. All of the following information is based on my experience and personal knowledge.
2. My wife, Ruby Laury, and I reside in Buckingham County, Virginia. We are members of Friends of Buckingham. My wife is on the steering committee of Friends of Buckingham.
3. Since learning about the Atlantic Coast Pipeline in 2014, my wife and I have

been actively involved in opposing it. We submitted comments to the Federal Energy Regulatory Commission and have spoken at public hearings before the Virginia State Water Control Board and State Air Pollution Control Board. Despite our best efforts to gather information about this project and voice our concerns, it seems to us that much of the project has been approved and moved forward in secret, without adequate public participation. We have not been provided clear, straightforward information. We do not feel that our voices have been heard by FERC, the Buckingham County Board of Supervisors, Virginia Department of Environmental Quality, Dominion, or Atlantic Coast Pipeline, LLC.

4. Construction and operation of the Atlantic Coast Pipeline, specifically construction of the compressor station, will negatively impact my use and enjoyment of my property and my community as a whole.
5. I grew up just down the street from my current home, on a farm that my grandfather had worked. While growing up in Union Hill, I had always dreamed of owning the property on which I now live. I was finally able to purchase the property in 1986. I retired in 2003 and constructed my home in 2004. My wife and I have worked hard to make this property what it is. We currently have ten cows, one donkey, a garden, and orchards with apples, cherries, pears, peaches, plums, and apricots. Our property is approximately

one mile from the compressor station property.

6. My wife and I both highly value the undisturbed nature in this area, and in our own backyard. We enjoy the blue skies, green trees, birds, and clean air and water. We particularly enjoy the quiet that we are so fortunate to have in our home. It is just so peaceful. We want to live out our golden years here, in peace.

7. Noise from the construction and operation of the compressor station will change the entire character of this special place. It will take away many of the things my wife and I cherish about our home and community. The noise pollution will severely diminish our enjoyment of listening to birds and observing Mother Nature in a peaceful atmosphere. These serene surroundings are important to me as it continues to help me work on greater contemplation and inward thinking.

8. The noise pollution will also impact Union Grove Baptist Church, which we regularly intend. We owe God our time, tithes, and talents. We need quiet time before, during, and after services. We want to be able to worship our God without any unneeded disturbances.

9. In addition to noise pollution from construction of the compressor stations, we are also concerned about the noise associated with blowdowns, to release pressure. Dominion says that these will only occur two to three times every

five years, but we have heard that the reality with similar projects is that these can occur as often as two to three times per week.

10. I am troubled by the air pollution from blowdowns, as well. Blowdowns emit large amounts of harmful air pollutants. One of the many things my wife and I value about our home is the clean air. Family and friends visiting from California always remark about how clean the air is here. Unfortunately, air pollution from the operation of the compressor station will degrade the air quality in our community and harm one of the many characteristics of our home that is so important to us.

11. This noise and air pollution from the compressor station will diminish my wife's and my peace of mind and our ability to enjoy our home during retirement.

12. We are also troubled by the fact that our community was designated a "less consequential area." Because of this designation, the walls of the pipe used to build the pipeline will be thinner in this area. We also think this designation is why the compressor station was located in Buckingham County. Unfortunately, we believe this designation is reflective of how the decisionmakers view our community as a whole. However, decisionmakers and the pipeline developers have overlooked many important and valuable characteristics of the Union Hill area in assigning this designation. For

example, our community has a great deal of historical and natural value. There are many slave cemeteries and freedmen properties in this area. Why was the historic value of our community not considered? We value this unique aspect of the Union Hill community and fear it will be degraded and lost by construction and operation of the compressor station.

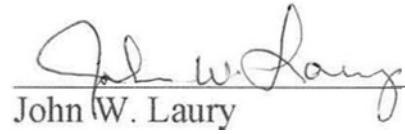
13. My wife and I are also concerned about diesel leaks from recovery tanks located at the compressor station. Atlantic has said that there won't be any spills, but this whole process has not instilled trust in us for what Atlantic says and I still fear that diesel leaks could degrade the natural resources in this area.

14. Additionally, this project, as with so many, disproportionately impacts our lower income, minority community. We feel that the decisionmakers throughout this process do not think our lives matter and assume that we will not be able to fight back. While many say we are fighting a losing battle, my wife and I know that it is important to "stand up for what is right even if you are standing alone." Also, we like the quote from Dr. Martin Luther King, Jr., which states, "Never, never be afraid to do what's right, especially if the well-being of a person or animal is at stake. Society's punishments are small compared to the wounds we inflict on our soul when we look the other way." My wife and I chose this way of life and we believe that we have a right to

this way of life.

15. I support Friends of Buckingham filing this lawsuit against the Virginia State Air Pollution Control Board and Department of Environmental Quality for the issuance of an air permit for the Atlantic Coast Pipeline to operate the compressor station in Buckingham County. If the lawsuit is successful, I believe that my use and enjoyment of my property and community will be much greater.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 28, 2019.



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John W. Laury

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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FRIENDS OF BUCKINGHAM; )  
CHESAPEAKE BAY FOUNDATION, INC. )  
Petitioners, )  
v. ) No. 19-1152  
STATE AIR POLLUTION CONTROL )  
BOARD, *et al.*, )  
Respondents, )  
ATLANTIC COAST PIPELINE, LLC, )  
Intervenor. )

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**DECLARATION OF CHAD OBA**

I, Chad Oba, declare as follows:

1. My name is Chad Oba and I am over the age of 18 and competent to give this declaration. All of the following information is based on my experience and personal knowledge.
2. My husband, Toru Oba, and I reside in Buckingham County, Virginia. Our home is on Woods Road south of Route 56, S. James River Road.
3. We are members of Friends of Buckingham. I am a founder of Friends of Buckingham, which was established almost five years ago after the

community learned about the proposed Atlantic Coast Pipeline and compressor station. I am currently the chair of Friends of Buckingham. I assist in organizing events to raise awareness about the compressor station and conduct community meetings – over 200 events and meetings in the past five years – and provide outreach to members of the community who do not have internet access and ability to receive information.

4. I am also a member of the Chesapeake Bay Foundation, Inc.

5. When I first learned about the compressor station, I went house to house to inform people in the community and ask about health and other concerns they had. This generated almost fifty letters of concern to the Virginia Department of Environmental Quality. I have also provided comments at the federal, state, and local levels: with the Federal Energy Regulatory Commission, the Virginia State Water Control Board and State Air Pollution Control Board, and the Buckingham County Planning Commission and Board of Supervisors. I also helped raise awareness of these meetings to those in the Buckingham community by providing research and information about impacts. And as mentioned above, I have helped facilitate comment drafting by helping those in the community tell their stories of how the compressor station will impact them.

6. Construction and operation of the Atlantic Coast Pipeline, specifically

construction of the compressor station, will negatively impact my community as a whole and my husband and me personally.

7. It is devastating to think this compressor station may be located in Buckingham County. It threatens our water, air, and historic resources. Many residents in Buckingham County have shallow wells that could be impacted by construction of the pipeline and compressor station. Many residents also have respiratory conditions and other health problems that will be exacerbated by the air pollution from the compressor station. This area of the County was originally home to large plantations with some areas identified as having slave burials. The history here is not cobblestone streets, but is underground and is part of the living history of many of the freedmen descendants living in the community. I am concerned that the compressor station may be on land that includes a slave burial ground because it will be on land that was formerly a plantation. I also value the history of my own home – which is at least 150 years old and will be devalued by placement of an industrial facility nearby.

8. My husband and I are also concerned about the impacts of the compressor station on our use and enjoyment of our home. My husband is a stone sculptor and spends much of his time working outside. He will work outside for up to ten hours a day. I am very concerned about the fact that he will be

constantly exposed to the air pollution from the compressor station, which is about one mile from our home. I understand that air modeling provided by Atlantic to the Virginia Department of Environmental Quality shows that we will be exposed to higher levels of particulate matter and formaldehyde than those who live more than two miles from the compressor station site. This information troubles me greatly and I am very concerned for my husband's health. I'm concerned for my own health, as well. I enjoy spending time outside gardening and going on daily walks. I am also concerned about the health impacts from air pollution that will be emitted during construction of the compressor station.

9. I consider the environment surrounding my home – peaceful, quiet, and clean – to be very important. The compressor station will significantly harm my enjoyment of my home.

10. The compressor station will be a constant source of stress for me, knowing that I and others are being exposed to air pollution and also the constant noise that will disrupt the peace and quiet that I value. When we were initially told about the compressor station, we were told that there would only be one blowdown every five years. However, we have now been informed that these blowdowns happen far more often. I do not believe that the community has been provided with clear and accurate information about

the compressor station impacts by Atlantic or decisionmakers. I have asked as many questions as I could and tried to engage in every way possible to ensure the safety and protection of the community. I feel as though the decision-makers failed us at every turn by not responding to these concerns.

11. My husband and I are both in our mid-seventies and I fear how the stress of the compressor station and harmful effects of air pollution will impact us. I think these concerns of ours, and of the community, have been under-evaluated. The whole process, including the failure of the system to respond to our concerns, has also caused me distress.

12. There are already a number of pipelines in this area and when the Appomattox line exploded some years ago I could hear the explosion and my house shook. So having the compressor station, in addition to the pipelines in this area, is very concerning to me. I think this highlights that companies and decision-makers consistently target this community as a location for industrial infrastructure.

13. The traffic and noise pollution from construction of the compressor station, in addition to the noise pollution from the compressor station itself, is also upsetting to think about. This will further detract from my use and enjoyment of my home and community.

14. We don't feel that the decisionmakers involved in the air permitting

process, including Dominion, have actually listened to our concerns. Dominion only came into our community after we raised our voices very loudly. This process, and placing the compressor station here, feels like an abuse of our human rights to the clean air, water, and resources that brought my husband and me to Buckingham to begin with.

15. I support Friends of Buckingham and the Chesapeake Bay Foundation filing this lawsuit against the Virginia State Air Pollution Control Board and Department of Environmental Quality for the issuance of an air permit for the Atlantic Coast Pipeline to operate the compressor station in Buckingham County. If the lawsuit is successful, I believe that my use and enjoyment of my property and community will be much greater and I'll have greater peace of mind.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 24, 2019.



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Chad Oba

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

FRIENDS OF BUCKINGHAM;	)
CHESAPEAKE BAY FOUNDATION, INC.,	)
	)
<i>Petitioners,</i>	)
	)
v.	)
	)
STATE AIR POLLUTION CONTROL	)
BOARD, <i>et al.</i> ,	)
	)
<i>Respondents,</i>	)
	)
ATLANTIC COAST PIPELINE, LLC,	)
	)
<i>Intervenor.</i>	)
	)

## **DECLARATION OF REBECCA LEPRELL TOMAZIN**

I, Rebecca LePrell Tomazin, declare as follows:

1. This declaration is made based upon my personal knowledge and the books and records kept in my office in the ordinary course of business.
  2. I am the Virginia Executive Director for the Chesapeake Bay Foundation, Inc. (CBF) in Richmond, Virginia. My duties and responsibilities include the following: formulating Virginia Office positions on environmental legislation, regulation, and funding; and management of the Virginia state office including the supervision of a staff of 17. I am responsible for

advocating CBF positions to legislators, agencies, business/community decision makers, stakeholders, press, and the public. I also supervise the initiation of proactive changes in law, regulation, funding, policy, or program implementation that furthers CBF's goals and objectives and supervising CBF's response to proposed changes in law or regulations and monitor regulatory and legislative developments that affect Bay health.

3. CBF is a regional, nonprofit, nonpartisan, public interest advocacy organization with members throughout the Chesapeake Bay region. As of April 2019, CBF has more than 275,500 total members and e-subscribers, including 105,067 in Maryland; 5,999 in Delaware; 6,132 in the District of Columbia; 1,370 in West Virginia; 16,824 in New York; 85,119 in Virginia with 51 members in Buckingham County; 34,676 in Pennsylvania; and 20,340 members and e-subscribers outside the Chesapeake Bay watershed.

4. CBF members use the waters of the Bay watershed, including the James, Shenandoah, Potomac, Mattaponi, York, Rappahannock, and Pamunkey Rivers and tributary streams, for bird watching, boating, paddling, sailing, fishing, swimming, and other aesthetic and recreational pursuits. Waters of the Bay watershed also serve as a drinking water source for many members.

5. The interests of CBF and its members will be harmed by the issuance of the new source permit for Atlantic Coast Pipeline, LLC to construct and operate

a natural gas compressor station in Buckingham County, VA because of the significant impacts posed to air quality, water quality, and public health.

6. One of CBF's principal objectives is to improve water quality by reducing the amounts of pollutants discharged to the Bay and its tributaries. CBF operates numerous programs, which are designed to protect and restore the quality of the Bay and its tributaries, and, in doing so, seeks to restore and maintain sustainable populations of crabs, fish, and oysters; thriving water-based and agricultural economies; and a clean and healthy ecosystem for our children and grandchildren. These projects are coordinated and installed by CBF staff, along with partners and volunteers, and include tree plantings, riparian buffers, submerged aquatic vegetation plantings, and a substantial oyster restoration effort. Oysters (*Crassostrea Virginica*) are an iconic species of the Chesapeake Bay providing benefits to the Bay of both filtering water for pollutants such as nitrogen as well as providing a livelihood to Bay watermen several of which are CBF members.

7. CBF's objectives and programs are designed to reduce or eliminate the harm and threats of harm to human health and the environment caused by discharges of pollutants, including emissions from nitrogen oxide (NOx), particle pollution (PM), and ozone.

### CBF's Oyster and Restoration Programs

8. CBF conducts numerous restoration programs within the Chesapeake Bay watershed designed to improve water quality in the Bay and its tributaries. This work includes growing and planting oysters and underwater grasses in the Virginia portion of the Bay and tributaries and working with local jurisdictions and citizens to protect local water quality.

9. CBF's Oyster Restoration Program operates in Maryland and Virginia waters. <http://www.cbf.org/how-we-save-the-bay/programs-initiatives/virginia/oyster-restoration>. On the grounds of the Virginia Institute of Marine Science in Gloucester, Virginia, CBF grows oysters in holding tanks until they are large enough to be planted on either existing or new reefs. In fall 2018, CBF's oyster restoration staff and volunteers completed the final phase of our Lafayette River restoration plan, which resulted in the Lafayette being declared the first tributary in Virginia to meet science-based marine habitat goals for oyster restoration. CBF also provides immature oysters to "gardeners" who grow them at their docks until they are large enough for planting in Virginia waters. In 2018, these volunteer gardeners raised 38,802 oysters and planted them on sanctuary reefs in five Virginia tributaries. Funds for administering these oyster programs are provided by member donations and grants.

10. CBF has built small shoreline oyster reefs in Virginia in Sarah Creek, three in the Lynnhaven River, and seven in the Lafayette River. CBF has worked with the Virginia Marine Resources Commission, The Nature Conservancy, Elizabeth River Project, and Rotary Club of Norfolk to obtain funds for and assist in the creation of reefs in the Elizabeth, Lafayette, Lynnhaven, and York Rivers. Each of these large-scale reefs costs approximately \$40,000 – \$100,000. The Elizabeth, Lafayette, and Lynnhaven Rivers are in the James River basin.

#### CBF's Underwater Grasses Restoration Programs

11. In Virginia, CBF operates an underwater grass planting program called “Grasses for Masses” which restores underwater aquatic grasses. The underwater grasses planted by CBF and its members help improve the health of these rivers and the Chesapeake Bay by removing excess nutrients from the water, trapping sediment, releasing oxygen into Bay waters via photosynthesis, providing an important food source for migrating waterfowl, and providing critical habitat for juvenile blue crabs, rockfish, and other species.

12. On average, CBF provides 150-200 grass growing kits annually at a cost of \$40 each. Once the seeds have sprouted, the individual or group joins other participants under CBF’s direction and plants the grasses in several locations

selected and physically marked off by CBF staff. Under CBF supervision and with materials provided by CBF, participants enter the water and plant the grasses at the bottom of the river. CBF has spent more than \$46,000 over the last eight years on underwater grass plantings.

13. Plantings have occurred in the James River (Westover Plantation), in Charles City and Prince George Counties, the Chickahominy River in Charles City County, the Rappahannock (Rappahannock Wildlife Refuge) and the Potomac Rivers, in Fairfax County (Mason Neck State Park). In the period of 2017-18 approximately 300 people participated in underwater grass plantings in Virginia. From these efforts, approximately 48,150 new underwater aquatic plants were planted in the James, Chickahominy, Rappahannock, and Potomac Rivers. CBF continues its Grasses for the Masses program every year.

14. The underwater grasses planted by CBF and its members in the Grasses for the Masses program are threatened by the new, unmitigated load of nitrogen to the Chesapeake Bay that will occur if the proposed permit for Buckingham Compressor Station is approved.

15. Crabs, fish, oysters, and underwater grasses can be harmed by nitrogen deposited to the Bay and its tributaries from the emission of nitrogen oxides into the air. Nitrogen oxides are precursors to particulate matter that is

harmful to human health.

#### CBF's Education Programs

16. CBF operates 15 environmental education programs throughout the Chesapeake Bay watershed, linking the natural environment and human culture of the watershed. Two of those programs operate in the James River and Potomac River. CBF's educational programs enable students and teachers to conduct their own research through biological sampling, chemical analysis, and physical measurements by taking them on canoe, kayak, and boating trips on and along the Bay and its tributaries. CBF spends approximately \$6 million on its educational programs each year.
17. In Virginia, CBF conducts educational field experiences for students, teachers and adults at CBF's Virginia residential island centers; Fox Island and Port Isobel Island in the Chesapeake Bay. CBF also conducts one-day boat-based education programs from Hampton Roads and Hopewell, Virginia, and canoe-based education programs in the Shenandoah, James River and other tributary rivers which involve students from localities across the Commonwealth. See CBF, Field Programs, <http://www.cbf.org/join-us/education-program/student-field-programs>. Statewide, CBF takes thousands of students, teachers and adults on such trips annually.
18. Participants in these programs learn about local streams, rivers and the

Chesapeake Bay, test water quality, perform plankton studies, trawl for fish, and learn about environmental challenges and restoration issues in a variety of ways that are integrated with the Virginia's Standards of Learning.

Between 2017 and 2018, 151 students and 13 adults from Buckingham County have participated in the Chesapeake Bay Foundation's Hampton Roads program where they are given the opportunity to deepen their knowledge of the Chesapeake Bay and learn about the effects of human activities on the estuary by exploring rivers and performing sample water-quality tests, See CBF, Hampton Roads Boat Program,

<https://www.cbf.org/document-library/education-field-program-overviews/Hampton-Roads-Overview9d6c.pdf>

19. CBF's Virginia education programs are threatened by the atmospheric deposition of nitrogen impairing the Chesapeake Bay, its tributaries, and local streams, which come from many sources, including air emissions from compressor station engines.

#### Chesapeake Bay TMDL

20. CBF is the largest independent organization dedicated solely to restoring and protecting the Chesapeake Bay and its tributary rivers. Our goal is to improve water quality through the implementation of the Chesapeake Bay Clean Water Blueprint. The Blueprint refers to the Chesapeake Bay Total

Maximum Daily Load (TMDL), issued by the United States Environmental Protection Agency (EPA) in December 2010, and state-developed Watershed Implementation Plans (WIPs) which outline Bay jurisdictions' strategies to meet the goals of the TMDL. The Bay jurisdictions are Maryland, Pennsylvania, Virginia, Delaware, West Virginia, New York, and the District of Columbia. CBF and others we represented, sued EPA to ensure development and implementation of the Bay TMDL. *Fowler v. EPA*, No. 1:09-C-00005-CKK, 2009 U.S. Dist. LEXIS 132084 (D.D.C. 2009). CBF then defended the Bay TMDL from attacks by lobbying groups. *Am. Farm Bureau Fed'n v. United States EPA*, 792 F.3d 281 (3d Cir. 2015).

21. When the Bay TMDL was established in 2010, the EPA identified the atmospheric deposition of nitrogen as contributing one-third of the entire nitrogen input to the Bay watershed. See Chesapeake Bay TMDL, Appendix L: Setting the Chesapeake Bay Atmospheric Nitrogen Deposition Allocations, at L-2 (Dec. 29, 2010), available at [https://www.epa.gov/sites/production/files/2015-02/documents/appendix\\_l\\_atmos\\_n\\_deposition\\_allocations\\_final.pdf](https://www.epa.gov/sites/production/files/2015-02/documents/appendix_l_atmos_n_deposition_allocations_final.pdf). Atmospheric loads of nitrogen come from nitrogen oxides (NOx). The principle sources of NOx are industrial-sized boilers, like those at power plants, and internal combustion engines, such as the proposed compressor

station's four engines.

22. CBF has expended significant resources and time investigating regional air pollution to better understand how the interstate transport of nitrogen oxides affect the Chesapeake Bay. These resources include a substantial amount of policy, advocacy, and scientific staff time. CBF recognizes the importance of participating in public comment and hearing processes related to state and federal agency air pollution regulation and seeks to contribute its unique expertise and interests to such proceedings. CBF filed a comment letter with the Virginia State Air Board and the Virginia Department of Environmental Quality on the proposed natural gas compressor station in Buckingham County, VA on September 21, 2018, November 7, 2018, December 1, 2018, and January 4, 2019. In support of its comments, CBF hired engineering (Ranajit Sahu) and air pollution modeling (Andrew Gray) experts to illustrate how NOx emissions from stationary sources will contribute nitrogen to the Bay watershed and to increased levels of particulate matter into the air surrounding Union Hill a minority African American community. CBF also hired Dr. George Thurston of NYU to determine the expected economic impact associated with harm to human health that will be caused by the compressor station. This information was submitted to DEQ and the Air Board during the public comment processes.

Harms Caused by the Proposed Compressor Station

23. Reducing nitrogen oxide pollution, a precursor pollutant to ozone and a contributor to the atmospheric deposition of nitrogen, is a priority for the Chesapeake Bay Foundation. The State Air Pollution Control Board's decision to approve the permit for the Compressor Station harms the interests of CBF and its members because it condones harmful and preventable impacts to the Chesapeake Bay watershed, airshed, and public health from the excess NOx pollution. CBF is also committed to protecting the health of its members and those living in the Bay airshed from harmful air pollutants including NOx, Ozone, and particulate matter.

24. The compressor station will have significant negative impacts to health from air pollution emissions. Particulate matter and ozone emissions from the compressor station will harm human health. CBF Comments on Buckingham Compressor Station Air Permit (Sept. 21, 2018), Exhibit G. Particulate matter can cause decrease lung function, exacerbate asthma symptoms, increase cases of asthmas and heart attacks, which can all lead to more hospital visits, increased deaths, and shorten life expectancy. Id. Ozone is another lung irritant, which has significant adverse impacts on those with asthma and may aggravate chronic lung diseases like emphysema and bronchitis, all of which can lead to increased morbidity in exposed

populations. I understand that these impacts of pollutants generated by the plant were not fully evaluated by Dominion in its application or by the Virginia Department of Environmental Quality. In addition, this nitrogen will be a new unmitigated load that will contribute to excess nitrogen in the Chesapeake Bay Watershed.

#### Environmental Justice in Virginia

25. The environmental impacts of the compressor station are not felt equally across communities in Virginia. The direct impacts of the construction of the compressor stations are disproportionately affecting low-income communities of color, like the community in Union Hill, Virginia. CBF has members who live near the proposed site of the compressor station. Some of their family members have pre-existing health conditions that will be exacerbated by increased air pollution from the compressor station. CBF Letters to the Board, September 21, 2018, November 7, 2018, December 1, 2019 and January 1, 2019. The indirect impacts of the pipeline on climate change will also disproportionately affect the low income and minority communities in the Hampton Roads regions.

26. The Atlantic Coast Pipeline and the compressor station represent environmental injustice in Virginia. CBF is committed to engaging with a diverse coalition of stakeholders and addressing issues which reflect the

interest of diverse constituencies. CBF, Our Strategic Plan,  
<https://www.cbf.org/about-cbf/our-mission/our-strategic-plan.html>.  
Protecting the interests of environmental justice communities is key to water quality and therefore is central to the mission of CBF.

27. Since the spring of 2016, CBF has led efforts to engage the Hispanic communities in and around Richmond, Virginia on environmental issues. This includes partnering with an Hispanic community center on litter cleanup, holding Spanish-language workshops on gardening and tree planting, offering educational boat trips to Hispanic youth groups and community leaders, and other effects. CBF also appears regularly on Richmond's Spanish-language radio station to discuss the environment and has translated pamphlets, fliers and web pages into Spanish.

28. CBF continues to engage with community members in the City of Hopewell, a low-income, substantially minority community near Richmond, Virginia, to help reduce pollution and stormwater runoff affecting their local waterways and the health of the community. CBF completed a tree canopy assessment and determined that the lowest income neighborhoods have the fewest trees. As a result, CBF and our partners have planted 100 large caliper trees at Arlington and Woodland parks and installed five rain gardens to help address stormwater runoff.

Climate Change in Virginia

29. Climate change poses a significant threat to the state of Virginia, including CBF's work to restore the Bay. The Hampton Roads region is experiencing one of the fastest rates of sea level rise on the East Coast, and the emissions from the Atlantic Coast Pipeline project will exacerbate this harm.
30. The Atlantic Coast Pipeline, and its associated compressor stations, will continue to unnecessarily contribute towards greenhouse gas emissions in the United States and further the regions dependence on fossil fuels. Construction of the ACP alone is expected to lead to the emission of over 1 million tons of carbon dioxide. FERC, Atlantic Coast Pipeline and Supply Header Project: Final Environmental Impact Statement, Volume 1, 4-557 (2017). Once in operation, the three ACP compressor stations have the potential to emit over 730,000 tons of greenhouse gases annually. Id. at 4-559. On its own, the Buckingham Compressor Station in Virginia is expected to emit over 300,000 tons of carbon dioxide equivalent emissions per year. Id. All three compressor stations are in the Chesapeake Bay airshed. This frustrates the Commonwealth's efforts to reduce carbon dioxide emissions from electric power facilities. See Virginia Department of Environmental Quality, Greenhouse Gases, <https://www.deq.virginia.gov/Programs/Air/GreenhouseGasPlan.aspx>.

31. CBF maintains an active presence in the Hampton Roads community.

CBF's Hampton Roads office is located in the Brock Environmental Center in Virginia Beach, providing a space for the local community to enjoy the outdoors and learn about CBF's work and mission. Many of CBF's Education and Restoration programs are based out of the Hampton Roads office and take place in the nearby region. Climate change and the impacts it poses to the Hampton Roads region will impact CBF's ability to conduct these programs. CBF's island education centers are also threatened by climate change, as sea level rise in the region makes it difficult or unsafe to access the facilities. The proposed compressor station will contribute to climate change and the impacts felt in the region through its exorbitant greenhouse gas emissions.

### Conclusion

32. The State Air Pollution Control Board's issuance of the permit to construct and operate a natural gas compressor station in Buckingham County, Virginia, poses a significant threat to water quality, air quality, environmental justice, and climate change in violation of the Virginia Constitution and state and federal law. These impacts also pose a threat to CBF's interests, including CBF's restoration programs, advocacy work, and our members. Favorable action by the court can protect CBF's interests and

the interests of its members.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on May 30, 2019.



Rebecca LePrell Tomazin

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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FRIENDS OF BUCKINGHAM; )  
CHESAPEAKE BAY FOUNDATION, INC., )  
                                )  
*Petitioners,*                 )  
                                )  
v.                              )  
                                ) No. 19-1152  
STATE AIR POLLUTION CONTROL )  
BOARD, *et al.*,                 )  
                                )  
*Respondents,*                 )  
                                )  
ATLANTIC COAST PIPELINE, LLC, )  
                                )  
*Intervenor.*                 )  
                                )

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**DECLARATION OF RICHARD WAYNE WALKER**

I, Richard Wayne Walker, declare as follows:

1. I am over the age of 18 and am competent to give this declaration. The following information is based on my experience and personal knowledge.
2. I live in Richmond, Virginia. I have lived in my current residence for over 4 years. I am a Qualified Mental Health Professional and am the Chief Executive Officer of Bridging the Gap in Virginia, a non-profit organization providing support to men and women struggling with addiction, incarceration, chronic homelessness, and lack of

employability. I am a fifth-generation descendant of Taylor Harper, who was emancipated from slavery in Buckingham County following the Civil War. Currently, there are eight generations of Harper descendants.

3. I am a member of the Chesapeake Bay Foundation.

4. The Harper family owns land in Buckingham County, Virginia neighboring the proposed compressor station site and where it will connect to the existing Transco pipeline. This is family legacy land that has been passed down from Taylor and his son, Arthur Harper, my great-grandfather.

5. After emancipation, Taylor Harper continued to work on the Moseley plantation known as Variety Shade cutting and handling tobacco. Using the money he earned, in 1885 Taylor paid \$15.00 to former slave owner Robert D. Moseley to buy what is now known as parcel 91-62.

6. In 1916, Arthur Harper purchased an adjacent 26 acres of land from H.G. Moseley, son of Robert D. Moseley. That parcel is known as 91-98 and abuts the Taylor Harper parcel. Our family “homestead” is located on this parcel. It is the site of Harper family reunions.

7. Both parcels are owned by the Harper family and have been passed down to family members by oral tradition. There are currently eight generations of over 100 Harper descendants that have an interest in

these two parcels of land. Through generational oral history, we have been told that neither parcel should be sold outside of the family. This family code has been our legacy from generation to generation.

8. The existing Transco pipeline divides the Arthur Harper parcel in half.

The Atlantic Coast Pipeline will run along its southern border approximately 375 feet from the family homestead. The proposed compressor station fenceline will be approximately 930 feet from our family home.

9. Dominion is attempting to use eminent domain to force an easement over a portion of the Taylor Harper parcel, 91-62, to connect the Transco Pipeline with the proposed Atlantic Coast Pipeline which will, in turn, be connected to the proposed Buckingham Compressor Station.

10. After speaking with several older relatives, we have determined that there are unmarked graves of deceased Harper family members near or on the same parcel of land that Dominion is seeking to possess from us.

11. For more than 60 years the Harper family has held a family reunion at the Arthur Harper homestead. There, Union Hill residents and family members from all over the country come to reunite and celebrate our

heritage. The proposed compressor station, due to its location as well as its air, light, noise and water pollution, will deny me and my family its legacy and traditions.

12. There are five Harper families that reside within a quarter mile of the proposed compressor station. Each family lives on a fixed income below the poverty level. Several family members living in Union Hill have existing health problems.

13. It is my understanding, that the proposed compressor station will emit air pollutants such as fine particulate matter that can get deep into the lung and harm lung function. The inhalation of fine particulates can also exacerbate pre-existing medical conditions. The compressor station will also emit toxic air pollutants such as formaldehyde and hexane. It is my understanding that formaldehyde has been identified as a possible carcinogen.

<https://www.cancer.org/cancer/cancer-causes/formaldehyde.html>. I understand that hexane affects the nervous system and can cause dizziness, nausea and headaches. Long-term exposure to hexane can severely damage the nervous system.

<https://www.msdsonline.com/2014/11/19/understanding-the-hazards-of-hexane/>

14. One of my cousins is Virginia Woodson who is 75 years old. She was born in Buckingham County and has lived in Union Hill all her life. Her house is just over a mile from the proposed compressor station site. Virginia has congestive heart failure which is a chronic condition and causes her heart to not pump blood as well as it should. One of the symptoms of congestive heart failure is shortness of breath. Virginia will have this condition for the rest of her life. She has been instructed by her doctor to not be exposed to increased levels of air pollution because that will make her heart have to work harder and could lead to serious health problems. She understands that the Buckingham Compressor station will emit additional pollutants into the air in Union Hill and adversely affect her health.

15. Operation of the compressor station will create near constant noise year-round. The site will be illuminated at night by bright lights where none existed before. In addition, construction and operation of the compressor station will cause stormwater runoff, erosion, and damage to wetland areas on our property and adjacent land. We fear that this pollution will harm our land and our drinking water well.

16. The harms identified above will reduce my family members' quality of life and their longevity. The proposed compressor station will have a

lasting effect on me and the extended Harper family.

17. There are adjoining property owners whose existence and presence in Union Hill is equal to the Harper's. The proposed compressor station and related metering station will affect surrounding historically freedmen property owners such as: Estelle Rose whose property is approximately 20 yards from the proposed compressor station; Mr. Berkeley Laury (also inheritance land) who has two parcels of property within 100 yards and 1110 of mile, respectively, from the proposed compressor site; and several other historical property owners within 1/4 to 1.1 mile of the site on Shelton Store Road and Union Hill Road. Each of these properties and families will be adversely affected by the air board's decision to permit the compressor station.

18. I and the members of the Harper family including those who reside in the Union Hill community object to the issuance of an air pollution permit for the compressor station on Rt. 56. We believe that the decision of the Air Board violates the law and, as a historic minority community, our rights to environmental justice.

19. I believe that the proposed compressor station and the permit issued by the Air Board and the Department of Environmental Quality will harm my interests in clean air and water.

I solemnly affirm, under penalty of perjury and based on personal knowledge, that the facts stated in the foregoing paragraphs are true and correct.

Dated: May 30, 2019  
Signed: Richard W. Walker  
Richard W. Walker

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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No. 19-1152

FRIENDS OF BUCKINGHAM;	)
CHESAPEAKE BAY FOUNDATION, INC.	)
	)
<i>Petitioners,</i>	)
	)
v.	)
STATE AIR POLLUTION CONTROL	)
BOARD, <i>et al.</i> ,	)
	)
<i>Respondents,</i>	)
	)
ATLANTIC COAST PIPELINE, LLC,	)
	)
<i>Intervenor.</i>	)
	)

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**DECLARATION OF KENDA HANUMAN**

I, Kenda Hanuman, declare as follows:

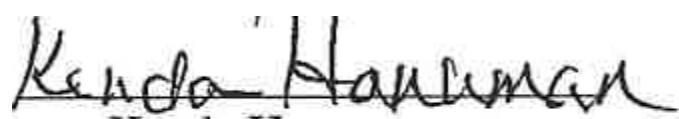
1. My name is Kenda Hanuman. I am over the age of 18 and am competent to give this declaration. The following information is based on my experience and personal knowledge.
2. I live in Yogaville, Buckingham County, Virginia. I am retired and have lived in Yogaville since 1993.
3. I am a member of the Chesapeake Bay Foundation.
4. I have been a member of the Chesapeake Bay Foundation since March 18, 2017. I joined the Chesapeake Bay Foundation and remain active because of my interest in protecting the health of the Chesapeake Bay, its

tributaries such as the James River, and communities throughout the watershed.

5. I am strongly committed to preserving the health of the land, air, and water resources of Buckingham County as a longtime resident drawn to its aesthetic and cultural beauty.
6. I am particularly concerned about air and water pollution as a consequence of building and operating the Atlantic Coast Pipeline and Buckingham Compressor Station. The pipeline will cross the James River not far from my home and the compressor station will be built approximately five miles away. I will have to pass the station on South James River Road (Route 56) to travel to Buckingham or Richmond.
7. I am concerned that the Atlantic Coast Pipeline and its proposed Buckingham Compressor Station will negatively impact my enjoyment of my property and community. For instance, each day I walk to the nearby James River in Buckingham County not far from where the pipeline will cross. I am concerned that new air pollution from the compressor station will harm my health.
8. Furthermore, I am very active and engaged in the Buckingham County community. For instance, I helped co-found Friends of Buckingham, a co-plaintiff in this case, in 2014 and am involved with Buckingham: We the People.

9. Due to my home's location and my daily activity near the proposed Atlantic Coast Pipeline path and Buckingham Compressor Station, I believe that the proposed compressor station and the permit issued by the Air Board and the Department of Environmental Quality will harm my interests in clean air and water. A decision by the court striking down the air permit can resolve these concerns.

I solemnly affirm, under penalty of perjury and based on personal knowledge, that the facts stated in the foregoing paragraphs are true and correct.  
Executed on May 24, 2019.

  
Kenda Hanuman

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will automatically send e-mail notifications of such filing to all counsel of record.

s/ David L. Neal

David L. Neal

SOUTHERN ENVIRONMENTAL LAW CENTER

Dated: May 31, 2019